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ABSTRACT

These hearings before the Committee on Education and Labor are on the Elementary Secondary Education Act, legislation to extend that act, and the relationship of the Elementary and Secondary Education Act to other programs that would be authorized by pending legislation. In this respect, the committee is considering a number of bills, including the administration's proposed revenue sharing measure and bills that have been introduced to provide more general aid to elementary and secondary schools, H.R. 981, 1491, 12696, and 16202. The presentations of witnesses before the committee focused on the operation of elementary and secondary education programs, their effectiveness in improving the quality of education, other data pertinent to the administration of elementary and secondary programs, and the views and comments of the witnesses with respect to the need for additional financial support for elementary and secondary schools. Appended to the presentations of witnesses before the committee are miscellaneous articles, tables, and publications relating to the school finance survey of the Council of the Great City Schools; Title I programs in Boston, Massachusetts; the Cooperative Improvement Program; Title I program needs in Syracuse, New York; and other topics. (JM)

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OVERSIGHT HEARINGS ON ELEMENTARY AND SECONDARY EDUCATION

HEARINGS

BEFORE THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES
NINETY-SECOND CONGRESS
SECOND SESSION

ON

H.R. 44, H.R. 981, H.R. 1491, H.R. 6179, H.R. 7796, H.R. 12695 AND RELATED PROPOSALS

OPERATION OF FEDERAL SUPPORT FOR ELEMENTARY AND SECONDARY EDUCATION AND THE FUTURE DIRECTION OF FEDERAL SUPPORT FOR ELEMENTARY AND SECONDARY EDUCATION

HEARINGS HELD IN
WASHINGTON, D.C., SEPTEMBER 26, 27, 28, AND
OCTOBER 4, AND 11, 1972

Printed for the use of the Committee on Education and Labor
CARL D. PERKINS, *Chairman*

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OVERSIGHT HEARINGS ON ELEMENTARY AND SECONDARY EDUCATION

TUESDAY, SEPTEMBER 26, 1972

House of Representatives,
Committee on Education and Labor,
Washington, D.C.

The committee met at 9:30 a.m., pursuant to notice, in room 2175, Rayburn House Office Building, Hon. Carl D. Perkins (chairman of the committee) presiding.

Present: Representatives Perkins, Dent, Hicks, Quie, Dellenback, Hansen, and Carlson.

Staff members present: Cindy Banzer, minority legislative associate.

Chairman Perkins. A quorum is present.

The committee will come to order. We are today continuing the committee's oversight hearings on the Elementary and Secondary Education Act, legislation to extend that act, and the relationship of the Elementary and Secondary Education Act to other programs that would be authorized by pending legislation.

In this respect, the committee is considering a number of bills, including the administration's proposed revenue sharing measure and bills that I have introduced to provide more general aid to elementary and secondary schools, H.R. 981, H.R. 1491, H.R. 12696, and H.R. 16202.

Consequently, the committee welcomes comments of the witnesses concerning their knowledge of the operation of elementary and secondary education programs, their effectiveness in improving the quality of education and any other data that are pertinent to the administration of elementary and secondary education programs.

The committee welcomes the views or comments, if any, that the witnesses may have with respect to the need for additional financial support for elementary and secondary schools.

In this regard, the witnesses should give attention to the priority needs in elementary and secondary education. Is the priority an expansion of title I of the Elementary and Secondary Education Act before additional substantial aid is provided in a more general fashion?

The committee welcomes your views.

Off the record.

(Discussion off the record.)

Chairman Perkins. Our first witness is Dr. William Webster, assistant superintendent of Oakland Public Schools, Oakland, Calif. Dr. Webster.

STATEMENT OF WILLIAM WEBSTER, ASSISTANT SUPERINTENDENT, OAKLAND PUBLIC SCHOOLS, OAKLAND, CALIF.

Mr. WEBSTER. I did not know the nature of these hearings, so I did prepare something for the committee's perusal later, if necessary. But other than that, I have a prepared statement I would like to read.

On behalf of the superintendent, Dr. Marcus A. Foster, and the board of directors of the Oakland Unified School District, I would like to take this opportunity to indicate the position of the Oakland Unified School District on the Elementary and Secondary Education Act and several issues which seem germane to it.

In Oakland, ESEA title I has been an unqualified success, demonstrated by significant gains in both reading and mathematics for the past 2 years. In reading, for 2 consecutive years, students have shown growth slightly in excess of month-for-month, and in mathematics, the gains have been as high as a month and one-half for a month, with an average of 1.25 months for 1 month. This means that the goals of compensatory education are being achieved, and from another vantage point, it means that our students are gaining on the national averages in language development and mathematics.

As educators, we believe from these two fundamental disciplines all other things educationally flow. Please note the attached chart and brief description of our ESEA title I research results.

As you may be aware, the State of California mandates a multifaceted approach to serving the needs of title I eligible children; that is, in addition to a language and mathematics thrust, the State requires attention to four other components: Auxiliary services, staff development, intergroup relations, and parent involvement.

We are happy to say that in the instance of all four other components, our program is a success, particularly in the areas of auxiliary services and parent involvement. Auxiliary services involve nursing, dental, individual care, and other supporting health needs, which we think effectively reinforce the thrust of the classroom teachers.

We feel that our parent involvement program has developed such knowledgeability on the part of indigenous persons that we would like to change the name from "parent involvement" to "parent participation."

There have been many spin-offs from our title I program. It has allowed opportunities for program experimentation, which have resulted in highly successful ongoing programs in non-title I schools. Our parent involvement programs have developed models for community participation adopted by the district as a whole, and our ESEA program has developed refined methods for using indigenous paraprofessionals in the classroom. At this time, we employ in the school district 350 well-trained paraprofessional indigenous people.

There are several nationally influenced policies, however, which should be changed in order to get maximum efficiency from the title I effort. The method of congressional allocations and appropriations does not deliver the money at the right time.

For the past several years, we have received 80 to 90 percent of our allocation prior to the start of the school year with another 10 to 20 percent arriving in December or January. The manner in which the comprehensiveness of the program suffers is obvious.

Putting it another way, departing from the written words for a second, I am saying that we have to, at the start of the school year, limit our program in scope, and when additional support arrives, then we embellish a program, whereas if we started the year right, we could start a much larger program, 10 to 20 percent larger.

It is hoped also that the spirit of H.R. 514, the carryover-of-funds provision, is continued, as it also contributes to efficient longitudinal program thrust. The Oakland Unified School District does not take issue with the principle of comparability and is prepared to demonstrate comparability on request.

However, it should be borne in mind that two aspects of comparability should be evaluated in the light of school district realities. School districts are often locked into negotiated teacher transfer policies which make it difficult to control the flow and location of highly experienced teachers. We have met this requirement by lowering teacher-pupil ratios in ESEA schools and adopting a hiring and placement policy which addresses itself to equalizing teacher experience between ESEA and non-ESEA schools.

Evaluations of the comparability of school site expenditures should be on a total per-pupil expenditure basis rather than focusing on categories such as "Instructional Supplies" and "Equipment." To so focus on these two items detroys local school site latitude in allocation of priorities, thereby contradicting the notion of local accountability.

Another observation relates to linkage of ESEA to other Federal and State-funded programs. It is our opinion that much more mileage can be achieved by mandating such linkages whenever there is sufficient similarity in program intent and methodology.

As an example, "Right-to-Read" programs, COP programs, ESEA title III, VI, VII, and VIII programs all lead themselves, to one degree or another, to efficient operational and fiscal linkage with ESEA title I.

To put it another way, we feel that they should not operate under penalties when it is possible to link them with the economies which can result and program advantages which can result.

In conclusion it may be said that ESEA has changed the tone and many of the aspirations of the indigenous community. Schools now have aggressive outreach programs which address themselves to helping the total child and his family constellation. Large cadres of indigenous paraprofessionals are now gainfully employed. In Oakland, there are 351 in our ESEA classrooms.

Parents surrounding ESEA schools now feel enfranchised and participate in meaningful decisions about their schools, and school site staffs have developed techniques which enable the eligible child to keep pace.

That is my written presentation. I have to apologize. I did not know quite what to expect, but I am prepared to react upon request to questions.

Chairman **Perkins**. Thank you very much for your statement. Let me ask you a couple of questions. You are well aware that title I expires next June 30?

Mr. **Webster**. Yes.

Chairman **Perkins**. That is 1973. Of course, we have an emergency provision that would permit us to carry on for an additional year in the event that Congress fails to take action in extending that act.

Just how effective has title I been in these areas that you mentioned, in your reading and language programs? The reason I ask that question, there is a question in my mind as to whether or not we should peg title I at a certain level and go to general aid—many people want to go to general aid altogether—so could you give us your view along that line. How do you feel title I has worked in your system, what are the handicaps or drawbacks, and how can we strengthen education?

What is the best way to do it, through title I or through general aid?

Mr. **Webster**. I think to go to general aid would destroy the original legislative intent.

General aid takes away the categorical restrictions and may not protect the interests of title I eligible youngsters. I sincerely believe this.

Chairman **Perkins**. I agree with you that we need to establish priorities, and the top priority is title I type children that we deal with at the elementary and secondary level.

Now, my question is, if additional funds should be forthcoming, should they go for title I or should they go in the direction of general aid on top of title I?

Mr. **Webster**. I see. I will answer that question this way, and only in an Oakland context. In Oakland, we have, in addition to some 11,000 title I youngsters recently being served, 23,000 to 25,000 identifiable youngsters who are in the same category as title I youngsters.

I am saying, put another way, that we are serving about 33 or 35 percent of the youngsters that we can identify as being eligible. On the question of whether general aid or categorical aid is right, I do not know if I am prepared to specify, but I will say that we do have more eligible youngsters than we can serve.

Chairman **Perkins**. To what extent in your school system are you not properly taking care of the so-called disadvantaged youngsters under title I presently? Give us also the reason why you are not serving them.

Mr. **Webster**. I would say that about the biggest factor is teacher experience. I have been an educator most of my adult life and have been a principal, and if I have to make a choice between a young innovative type, just out of a university, or an experienced teacher for a title I youngster, I am going to pick the experienced teacher.

We talk about class size, and we can buy two inexperienced educators for the price of one. The experienced teacher, though more costly, can handle 35 to 40 youngsters in an efficient individualized way.

Our problems relate to some in-house or internal problems, that is controlling the location within a large school district of experienced teachers. I would say that is our primary problem in title I schools, or so-called ghetto schools. There is an unceasing flight away from the ghetto schools. This is our main problem.

Our expenditures in the title I schools are equal certainly to the non-title I schools. But, as you know, in almost every city in America, we are experiencing an urban overload, as we call it. In Oakland we are expending $894 per pupil as compared to $1,300 or $1,400 in Emeryville or Beverly Hills, some of the affluent districts.

Looking at the comparison of urban and city schools, we have about a 20 or 25 percent factor. So, $800 is down around $650 in the cost ratio. I would say teacher experience is the big thing we have difficulty controlling.

I do not know if I answered the question or not.

Chairman Perkins. Mr. Quie?

Mr. Quie. Dr. Webster, thank you for some good testimony this morning. I would like to inquire a little further into the kind of results in reading you spoke of in your prepared testimony.

Could you explain that a little more for me. Was this 2 years growth in 1 year or have you seen the growth in reading only in the last 2 years?

Mr. Webster. Well, we have seen it in pockets. We can see one little school get as high as 2 years for one and then we try to transport, try to replicate it, and move it over here, say, and it fails, because somehow that little school has a strange constellation or group of persons, you see.

But, progressively over the last 4 years, we have moved from a mean growth in the neighborhood of about 4/10 of a year for a year of instruction up to over a year for a year of instruction. This is measured by the standardized achievement test, cooperative primary and California test series.

In mathematics, of course, the gains are higher, and that is to be expected, because in mathematics, we can operate without, or sort of independently of the ability to read as such. But, we are just beginning to compare in compensatory education.

If we were to take a look at the national curve, a growth curve which goes up like this, for years we have gone downward, but now we are just about parallel in reading. So, we are going into another system we call "process monitoring," which is on-going standardized evaluation using criterion tests.

It is like quality control in the private sector, and we hope this year to go up.

Mr. Quie. Are you speaking of title I youngsters when you say they were 0.4 percent per year, and now have moved up to better than 1 year's growth?

Mr. Webster. That is right.

Mr. Quie. Just the title I youngsters receiving title I assistance?

Mr. Webster. Right.

Mr. Quie. What is the median for the school system?

Mr. Webster. The school system is at about the 40th percentile, which means it is slightly below the norm.

Mr. Quie. You said something about 11,000 title I youngsters in your school, but another 25,000 who should be receiving this kind of assistance, is that correct?

Mr. Webster. That is right.

Mr. Quie. Could you tell me what the other 25,000 are doing, or are they so mixed in the other schools that you cannot identify them right now on their reading level?

Mr. WEBSTER. We do district testing independent of the title I youngsters, and we can surface these youngsters. That was just a guess, but we figure about 23 to 25. Those schools receive some State compensatory effort. For example, in California, we have what we call SB-28, teacher employment legislation for certain eligible schools to reduce the class size.

It is not comprehensive, but directs itself to class size. We have some other State inputs serving some, but I would say not serving any more than 2,000 or 3,000 of the additional 23,000 or 25,000 youngsters.

Mr. QUIE. What is their reading level?

Mr. WEBSTER. I would say, and I cannot speak of it offhand, but these youngsters that we identify are far below district averages, which, as I said, is about the 40th percentile, and certainly below the national averages by far.

We try to think in terms of quartiles, first, second, and third, and we are speaking of youngsters in the first quartile, which means that they are in the 25 percent or below level.

Mr. QUIE. I will pursue that a little further later, but first, let me ask this. You said that you have gotten this accomplishment in reading in the last 2 years. What happened in those 4 years from 1966 on in which you did not have that accomplishment? That could tell us something as to why you were not getting those kinds of results and now you are getting the results.

What happened in the first 4 years?

Mr. WEBSTER. In 1966, and I was not a board man, but as I reconstruct it, in 1966, nobody in the Nation knew what compensatory education was. It was just a new concept and they tried everything that they could, all kinds of education gimmicks.

We had all of the charlatans coming to us saying, I can bring you so much gain with this little gadget, you know, electronic gadget. We stumbled for about 4 years. I have to give Dr. Ruth Hollaway this credit. She developed a model in California which addressed itself to teacher competence basis evaluation, better still to the outcome objectives, putting the teacher into a hard measurable framework where her evaluation would depend upon the gains made by children. The teacher's international listing then of these hard objectives is a book taken from the private sector again, where you would be within a quality timeframe type of operation.

We studied it 3 years ago, and the minute we did, the scores began to boom, because the teachers knew the "proof of the pudding was in the schools" and, as the kind of people in the education community, they are the kinds of people that oppose it, saying, you cannot put human endeavors into a measurable framework, but we know you can, and you can make the program fly on that basis.

Mr. QUIE. I think that is an extremely significant statement. You made a number of others. I should think every experienced teacher would have been happy to hear what you said a little earlier about "you get two inexperienced ones for the price of one, but more results from the experienced teachers."

We have heard for a long time around here, "there is something wrong with the ones that have been around for a while. You have to get new ones that are innovative."

Your statement was extremely heartening to me. You indicated that in the test schools, once they found out exactly what the kids were doing, achievement actually zoomed, because teachers knew what their teaching was going to achieve.

Can you identify anything else about the pockets that made them unique and showed the results first. Then tell me what kind of problems you had in replicating the program in the other schools, because this is always a problem, too?

Mr. WEBSTER. As I said, any given school, the extent to which the teachers either think independently of teacher operations or have strong leadership at the school, a principal, say, who demands competency-based performance. Strangely, it is easier for an older teacher to accept the notion of having, rather of being in that posture based on the "kitty" outcome, you see.

So the only thing I can find is the extent of teacher experience, the amount of teacher experience in this successful pocket.

Mr. QUIE. So you have experienced teachers in all of the successful pockets?

Mr. WEBSTER. I think that is one of the things. The other thing I noticed was the knowledgeability of the parent. You see, we who live in middle-class areas almost assume, or we assume certain prerogatives; we go to PTA meetings and reinforce things with the teacher. And, when the teacher seems to be insubstitantial, we demand her removal, and she is removed, because the establishment or school district is responsive, but it has not been responsive to the poor people.

Title I has done much through community participation, and I will use an example.

I worked at Oakland's McKliman's High School years ago, and the parents, very poor parents would come in very docile and timid and afraid to speak on behalf of their children, as compared to another high school in which I worked where this kid's father was a lawyer, and I gave this kid a "C", and he said, "what do you mean by giving my kid a 'C'?"

He said, "He is going to be an attorney, like me. What does he need a 'C' for? Give him a 'B'." I was pressured to give him the "B", but I fought it successfully.

But, you see the difference in the way the parents come to school, docile and afraid, so what title I has done, more than any single force, has given through the program effort an outreach, has given these people the right to come and demand on behalf of their kids, too.

Certainly when you make the noise, then the district responds. This has been another difference. Parents know what is going on in those classes. We adopt what we call parent education, not parent participation, but we have class at night, educating the parents, a parent who is semiliterate, to give him an idea ofwhat goes on, so he can reinforce his thoughts. We try to get that to work.

We tried to transport it, and the group of professionals principally are of different commitments. I see the difference in experience. You see, my observation is that the young university graduates come out with a very unrealistic approach, and that is a big generality, and I am aware that I am making it. Many of them, I will say this, come out with a soft approach, humanistic approach to the education of youngsters, which, in many instances, operates at the exclusion of developing the ability to do these hard-performance things, reading and mathematics.

Now, philosophically, if we can readdress ourselves to what we want for the youngsters, and we want them to survive in a competitive society, in the foreseeable future, I think IBM, General Motors, Safeway, and all of these big institutions will also be putting people into these hard-performance frameworks.

No matter how humanistic our approach, and I do believe in the humanistic approaches, also, to an extent, I know in the foreseeable future that the title I eligible youngster is going out into a society in which he will have to compete with others to get a job at the big institutions.

Mr. QUIE. When you talk about the title I eligible, right now you get the money based on the child's family income, either some historical period, or else the fact they are on welfare. I assume you are not looking at just the parent's income, but rather what the child is doing in school; is that right?

Mr. WEBSTER. That is right.

Mr. QUIE. How would you say a child should be eligible? What is the identification of a disadvantaged child who needs a compensatory education, 2 years behind grade level, or what would you use?

Mr. WEBSTER. I could not exclude the youngster who is just slightly below grade level. I could not, in fairness, exclude him. I could not give you a hard-and-fast definition.

I would say that the youngster who does not rest or is not at national average is my ideal definition; a youngster who is not at national averages, at grade-level expectations.

Mr. QUIE. Let me ask you, would you prefer a formula like it is where you just count poor kids, or would you like to be able to receive money for compensatory education for every child below the national average?

Mr. WEBSTER. Ideally speaking, I would like to receive money for all youngsters below the national average.

Mr. QUIE. It has been suggested to me if we did that, some schools would see that their children did poorly so they could get more money, because the pressure is on to get money from any means possible. Do you think it is a valid concern on our part?

Mr. WEBSTER. I do not think so. I think educators, particularly urban educators, are in a hard-performance posture and the proof of a superintendent's pudding is the reading score in the city. He cannot afford any hanky-panky there.

Mr. QUIE. My last question is how much more does it cost to educate a child who is disadvantaged and needs compensatory education in the Oakland schools than a child that is at the national average or above?

Mr. WEBSTER. I would say, just conservatively speaking, another 50 percent of the basic ADA. Our ADA, I should not use that term, our per-pupil expenditure is in the vicinity of $900. We could easily see at a minimum another 50 percent, $450.

Mr. QUIE. If you received $450 per pupil who scores below the national average, do you think you could do the job for all of the 35,000 the way you are doing now for the 11,000?

Mr. Webster. Certainly. We feel that we know enough about it now.

Mr. Quie. I think the situation today is different from 1965. We did not know who the disadvantaged child was, and what to do for compensatory education programs or anything of that nature. Now, we know who they are or at least, know more about who they are and what can be done.

Therefore, I believe, we ought to consider providing aid for students in that kind of need, whether their parents are poor or not.

Thank you, Mr. Chairman.

Chairman Perkins. Mr. Dent, do you have any questions?

Mr. Dent. I appreciated your questions, Mr. Quie, and the answers. I would say that we have the same problem but I have another question I would like to ask you.

Since you come from California, and you are in the school system in California, what is the value of the money we are spending, and are we getting value for the money we are spending in so-called bilingual education which started in California, for the so-called Spanish-speaking students?

Mr. Webster. I do not administer the bilingual programs in Oakland. I am at a loss as to making a statement about their value because the legislation is comparatively new. In other words, there has not been enough time. You see, you cannot overcome or you cannot get any visibility in the compensatory effort in 1 year.

Mr. Dent. Isn't it true that you have had it about 3 years in California?

Mr. Webster. Yes, we have. As I say, I do not administer that. We are in the process now. We picked up this year two schools, new noncompensatory schools, which have a significantly large concentration of chicano children, and we are going to, or we are in the process of dovetailing our title I effort and our title VII effort, but I could not make a statement about that.

Mr. Dent. I understand, but probably from the position you are in, you can make a better observation than we can, because people in Washington come from areas that do not have this problem.

Is most of the money spent for the chicanos?

Mr. Webster. Yes, it is, most of it in Oakland. We have a very small Chinese community and a very small Filipino community, but the next largest minority is chicanos.

Mr. Dent. Has there been a study made of the additional cost per pupil in the State for this dual education?

Mr. Webster. You are talking about bilingual education?

Mr. Dent. Yes.

Mr. Webster. Not one that I know of, sir. I do not know about it. Certainly, a lot of the title I effort in California, as I understand it, goes into the valley, and to the migrant youngsters.

Mr. Dent. Are we teaching native-born children, American children born on American soil, are we giving them a program of elementary education, Spanish or chicanos, whatever you want to call them, or are we concentrating the bilingual education on adults, those who come into the system or into the country, not in the adult schools, but third, fourth, or fifth grades, not the native born but immigrant types. Are we setting up a system for one particular American without regard to Italian-Irish Americans, and Irish Americans can use some of this the way I understand, because, frankly, there is a growing alarm among many Members of Congress, with whom I have talked about the situation, that we may be stepping into a situation that may bear very bad fruit.

In my opinion, I would never vote for this again, this Nation by melting into our language this process of thinking, melting in one language and sort of one group.

Now, we are definitely setting up a two language system. It has been bad in Canada, and everybody knows the problem we have had in Quebec and Montreal, and we are setting up in New York, Chicago, Philadelphia, Los Angeles, Sacramento, and all of the big cities, a two-language Nation.

I wonder if the educators ought not to give this one a very, very serious look-see to see whether or not we are not establishing something we are never going to get rid of, because if the first generation, if you have the right to give it to the first generation born, then why isn't it the right of the second and third generation born?

I think the strength of the Nation is that we have had a one-language country. Those of us that came from Europe, we learned the language. I was not allowed, as a youngster, to answer my mother or father in anything but English, because they wanted to learn English, and they answered us in Italian, because they wanted us to learn it. We learned it.

The public schools did not teach it. We always had a chance to have a second language in high school or college, but I think you had better give serious thought because there is just not enough money in the pot to give the kind of education you and I and others demand for our children and still build up another system of education that might reach into every area of this country.

Now, there is talk of Indian languages. How many Indian languages are there? Does anybody know? At least the Portuguese children come in, I mean the Brazilian kids, when they come in, they want Portuguese, they do not want Spanish because they can hardly understand each other.

Mr. **Webster**. I would like to comment on what you have said.

Mr. **Dent**. I would like to have your views because I might be all lost.

Mr. **Webster**. Well, we believe that newspapers are going to be printed in English for the foreseeable future, but we also believe this.

Mr. **Dent**. That is not true in California because I received three different editions in the Spanish language.

Mr. **Webster**. I mean the major vehicles.

But, when a youngster comes to school the first day of school, we consider it absurd to force or just throw English at him right away. What we do is this.

We have an approach which we call "English as a second language," which is an accepted teaching approach, which recognizes the legitimacy or authenticity of his spoken language, because you can destroy his self-image concept by telling him all of a sudden it is wrong to speak Italian, that it is bad.

Mr. **Dent**. Do you teach Italian to those children?

Mr. **Webster**. No, I just used it as an example.

Mr. **Dent**. What is the difference between a lad that comes from an immigrant family that cannot speak anything but Italian and a Mexican that can speak English and any other, what is the difference, if any? Why do you give advantages at all to one?

Mr. WEBSTER. I did not say I give an advantage to one. I said our approach is to avoid any self-image problems the youngsters have by telling them all of a sudden that speaking Spanish or Italian is bad, or whatever their native tongue is.

So, we use the approach "English as a second language," but I agree the papers will be printed in English.

Mr. DENT. I would never buy it as a second language. But, there are millions of American children who are born of ethnic group parents that have entered our school systems and made as great progress, I think, as any. The idea that we have to set up a special language course because of demand of the numbers, not because of demand of right, it is only because there are so many politically, they are able to do it.

If it were a prognostication of any other group, we would probably have a third or fourth language.

Mr. WEBSTER. I am not communicating because the "English as a second language" approach is an approach designed not to legitimatize his own spoken language, but an approach which moves the child into speaking English as an ultimate goal.

Mr. DENT. I would not pursue it with you because you are not tied directly to that particular part of the teaching profession. But somehow or other, I did feel I was bringing up a legitimate question.

When I came in, I did not speak one word of the language. I did not know "and or but," and I was only one out of 11 immigrant families in a period of 10 years that could not speak English.

I think we cannot ask things just because somebody demands them and makes a public issue out of it. I think this course is going to take away from other educational needs, because as I understand it, this year, the Congress refused, but there was a very strong demand made on the floor to almost double the appropriation for the bilingual schools.

We resisted it, but before it comes out of Congress, it will probably be there with a 50-percent increase, which has to come out of other educational demands we are trying to meet.

We are trying to meet the demands to equally distribute this to all children in their educational problems, and not just give it to one group and in the end, only serve it and disrupt and divide the country.

Chairman PERKINS. Mrs. Hicks? Do you have any questions?

Mrs. HICKS. I have no questions, Mr. Chairman.

Chairman PERKINS. Let me compliment you, Mr. Webster, for an outstanding statement. You have been very helpful and to my way of thinking, you are identified with a great school system. Very few witnesses that have come in here have been able to tell us the results obtained from title I in the manner that you have told them.

STATEMENT OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Chairman PERKINS. Our next witness is our colleague, Representative Claude Pepper. I am delighted to welcome you here this morning, Mr. Pepper, especially since you have been most helpful to the committee in introducing legislation that has become law, particularly the nutrition for the elderly program which was authorized some time ago. You always come with constructive suggestions and we are delighted to see you here this morning. Proceed in any way you prefer.

Mr. **Pepper**. Thank you very much, Mr. Chairman and members of the committee, for the opportunity to appear before this distinguished committee. I propose, if I may, this morning, the addition of a new title to the Elementary and Secondary Education Act of 1965 and I would like to offer, Mr. Chairman and members of the committee, the proposal that I submit as the new title and then give a synopsis of what it would provide.

The new title, Mr. Chairman, would be added to the Elementary and Secondary Education Act. Its purpose would be to authorize grants to local educational agencies as defined by that act upon the application of such agencies to the Assistant Secretary of Health, Education, and Welfare for Education to enable the financing of programs in schools to deal effectively with the drug abuse problem.

To be eligible for approval by the Assistant Secretary, a program submitted for funding by a local education agency would have to deal "therapeutically" with drug offenders. I am not talking about a hospital center being established or a medical program primarily, Mr. Chairman and members of the committee, but I am talking about the kind of program which is basically therapeutic in character.

Such program would involve counseling, group therapy, peer pressure groups and parental involvement in training and seminar programs. The program to be financed would authorize inservice training of teachers, administrators, counselors, and parents.

It would place heavy emphasis on utilizing school resources through which community resources could be channeled in providing therapy to users and exusers. In this connection, as a part of the application for assistance, a local educational agency would be authorized to contract with other locally based institutions and agencies for social services, professional assistance, and other agencies' assistance having expertise in the field of drug rehabilitation and control. However, again the emphasis on program activities is its school-oriented base.

Such sums as would be necessary are authorized to be appropriated each fiscal year for the next 5 fiscal years to enable the Assistant Secretary for Education to make grants to local educational agencies for these purposes.

Now, Mr. Chairman and members of the committee, in thinking about the matter further and in an effort to be honest in trying to meet this challenge, I am suggesting, and I have incorporated in my proposed new title, an authorization of one-half billion dollars, $500 million, because I am convinced that a lesser sum cannot adequately do the job of trying to protect the students in schools in our country today from themselves, from being drug abusers, and society from those students, when they do become drug abusers and thereby a menace to our society.

Now, Mr. Chairman and members of the committee, this is something I have been looking forward to for a long time. I am profoundly grateful to this distinguished committee which is so sympathetic to problems which relate to the education and health and happiness of our young people in this country, and I want to bring to your attention some of the experiences that the House Select Committee on Crime has recently acquired in holding hearings on the matter of drug abuse in the schools.

We started our hearings in late July in New York City and we owe much to an investigative reporter of the National Broadcasting Co., who made a documentary of the problems, rather horrible problems of drug abuse in the schools of New York City. Upon the invitation of two members of our committee, our distinguished colleagues, Mr. Brasco and Mr. Rangel, our committee went to New York in late July and held 2 days of hearings, in the board of education chambers 1 day and at another place another day.

Since we had to return to Washington for an important vote we heard other New York witnesses here in the Capitol, so we had 3 days of hearings, hearing members of the school board, the chancellor of the educational system of New York, police, undercover agents, teachers, students who have been abusers of drugs, and many others.

I have here a summary.

Chairman PERKINS. Without objection, the summary will be inserted in the record and you can read it.

Mr. PEPPER. I will submit it for the record.

(The document referred to follows:)

DRUG ABUSE IN THE NATION'S SCHOOLS—NEW YORK CITY HEARING

In mid-June, the Select Committee on Crime began a series of hearings in cities and suburbs across the country on the subject of drug abuse in the Nation's schools. These hearings are concerned with a condition that has become so pervasive and extensive that the proportions of a national scandal now exist.

The Committee is inquiring into the abject failure of our governmental institutions, especially our schools, to attack the problems and control the increase in narcotics abuse by school-age children.

Witnesses at our hearings in New York on June 19 and 20 testified that drug abuse is contagious and spreading unchecked throughout the school system, devastating the lives of the affluent as well as the ghetto child. The responsibility for this problem was placed squarely on the Board of Education. In the face of overwhelming evidence of the drug epidemic, the Board has, as one official stated, "buried its head in the sand" and viewed the problem in the same vein as "students not doing their homework."

It is clear that the Board of Education has not recognized nor attempted to cope with the epidemic. The Chairman of the State Crime Commission testified that although the problem was dramatically called to their attention "nothing has changed" in a year and that it is still "business as usual" at the Board.

School personnel patently violate the law by failing to report cases of student drug addiction. Many school officials oppose and have interferred with police undercover efforts to apprehend drug sellers in the schools. Because of this attitude, schools have become sanctuaries for drug sales and addiction. School officials ignore and avoid students who are clearly under the influence of drugs. In fact, in one situation a teacher admitted the use of drugs and showed a young and impressionable class how to roll marijuana cigarettes.

The evidence the Committee developed demonstrated that the Board of Education is not the only culpable party. We heard testimony from the director of the school health program which can only be described as tragic.

The government agency responsible for the health of New York City school children conceded through its director that there was a drug epidemic, but she could not even get her own physician-employees to identify and work to solve the problem. The Board of Health has, in effect, abdicated its responsibility in this state of emergency. Nor has the Health Department launched any program to cope with the problem. The New York City Comptroller, Abraham Beame, testified concerning the average daily attendance at New York City high schools: "The percentage of students daily attending schools in New York City has decreased from 87% in 1965–66 to 83% in 1969–70. Attendance dropped less than 5% in the thirty years prior to 1965. However, because of cutting and poor record-keeping, the number of students actually attending school is even lower."

Crime in the school buildings is a direct result of drug abuse and trafficking. The Comptroller stated:

"The drug abuse problem in the schools, with its accompanying results—overdose, extortion, burglary, robbery and truancy—has reached epidemic proportions. My staff, early in 1971, visited thirty-one New York City high schools and found serious drug abuse problems in almost every one."

The typical scene at the large New York City high schools was described as follows by the principal of one of those schools:

"Hundreds of our students cut their classes and roam the halls at will. Many prey upon other students, extorting money from them in lavatories, the cafeteria, and hallways. Others spend their entire school days gambling in the cafetria and in the lavatories. The drug problem increases and takes a mounting toll as more and more of our young people are induced by 'student' pushers to experiment with the deadly stuff. Our absence and lateness records are staggering."

The New York State Investigating Committee and the City Comptroller issued public reports detailing the crisis of drug abuse in the schools. Although both reports are over a year old, the Chancellor of the Board of Education has read neither. The Board has issued one directive, no policy, no guidelines and not even any statements to guide the principals and teachers in the schools regarding drugs. The one directive advised the principals what to do when children overdose on school property. The Police Department reports that many school principals refuse to allow police narcotics work in the schools. As a result, scores of schools are sanctuaries for drug dealers. The students report that the school building is the easiest and safest place in the community to buy drugs.

The teachers, on the whole, with no guidance or backing from the school administration, have done nothing about the problem. Children "nodding out" in class are ignored. Violent or disruptive children on speed or LSD, or in the sick stage of heroin reaction, are sent home for the day.

Many teachers in New York City are in physical fear of their students. And a great many teachers don't even recognize the symptoms of drug abuse. Since many teachers believe in maintaining absolute confidence between themselves and the students, if they learn a student is a drug abuser, they tell no one. Several said that reporting this fact to anyone would destroy their "rapport" with the students. One refused to identify any heroin pushers because such identification would "stigmatize" the children. The teachers feel that drug abuse is either a medical or legal problem, a parental problem, but not their problem.

The problem of the Police Department in enforcing narcotics laws in the schools is considerable. There are few narcotics policemen who are capable of going into a school and posing as a high school student. Since direct drug buys by undercover officers are not usually possible in the school environment, officers have to rely on informants to accomplish the task of identifying and then gathering evidence against the teenager pusher. Inherent problems exist in finding adequate young informants for various reasons. Parental approval is necessary. School approval is necessary. Adequate "cover" and control by bona fide officers is difficult to provide. Few volunteers are available due to the inability to protect the informant when he returns to the school. There is no practical way to protect the identity of any informant after the initiation of court proceedings. Few informants are willing to testify in court.

This first section of hearings, on New York City's particular problems, were concluded in Washington on June 21 and 27. The Committee will continue to explore the subject of drug abuse in the nation's schools in Miami, Florida, in July, and in Chicago and San Francisco in September.

Mr. PEPPER. In addition to that, Mr. Chairman, the newspaper clippings of our hearings in New York I think are very informative. For example, here is one of the papers, "Policewoman Bares New York Dope Sleuthing." Another one, "New York Narcotics Policewoman Says 'Schools Hinder War on Drugs,'" and "Heroin Top Youth Killer" is another one.

There are many other newspaper clippings that relate to the subject, which I believe would be helpful in throwing light upon the magnitude of the problem.

Chairman **Perkins**. Without objection all will be inserted in the record.

(The articles referred to follow:)

[From the San Diego (Calif.) Union, June 22, 1972]

Policewoman Bares New York Dope Sleuthing

Washington (AP).—A narcotics undercover policewoman told a congressional committee yesterday that New York City school officials generally cooperated very little with agents who infiltrate school groups to ferret out drug pushers.

Detective Kathleen Conlon, in drug undercover work for more than three years, also told of flagrant use of drugs among students in New York City.

She allowed photographs to be taken only while she wore a white hood but she removed it while she gave her testimony before the House Select Committee on Crime.

A committee counsel said Mrs. Conlon's hair color and other facial features had been changed to prevent recognition which might hinder her undercover duties.

She described how she enrolled at several schools as a student and made purchases of hard drugs, barbiturates and LSD.

She said she observed students "nodding off" in the back of classrooms after using drugs and saw girls in locker rooms injecting heroin into private parts of their bodies.

Students from John Bowne High School in Flushing would go to nearby Queens College to obtain drugs, but college administrators refused to assist police undercover agents in apprehending the pushers, she said.

She said teachers generally did not discourage the use of drugs and often they were too frightened to confront students who were pushing or using drugs.

[From the Evansville (Ind.) Courier, June 10, 1972]

Heroin Top Youth Killer

"Heroin kills more young people in New York City than any other single cause, including automobile accidents, homicides and suicides," a Congressional Select Committee on Crime disclosed on opening hearings in the metropolis.

Looking into the extent to which hard drugs are bought, sold and used in the nation's public school system the committee said teen-age narcotic deaths in the city rose from 15 in 1960 to 227 in 1971, an increase of 15 times.

Harlem Rep. Charles Rangel, a member of the 35-member committee, said he intended to press for legislation to have urinalysis included in the over-all physical check-up for school youngsters, to ascertain if it contains drug traces. That could lead to remedial attention.

Heroin addiction is an indication that drugs have risen to the top of the damage ladder among high school students. It is bad enough that they are causing more than a death a day for every school day. It is even worse now that it is pushing girls into prostitution.

[From the New York Times, July 15, 1972]

Business as Usual

(By Frederick P. Hafetz [1])

The House Select Committee on Crime recently conducted hearings on drug abuse in the New York City schools. Although estimates of the extent of drug use varied, virtually all witnesses agreed that a drug epidemic was engulfing the New York City schools. Further, they concurred that this menace had cut across racial and economic lines, afflicting middle-class and ghetto school alike.

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[1] Frederick P. Hafetz, a New York attorney, served as special counsel to the House Select Committee on Crime during hearings on drug abuse in the New York City schools.

Graphic testimony, corroborated by films shown to the committee, depicted the sale and use of hard drugs in the schools, not in hidden building recesses but in proximity of school personnel. This unchecked drug trafficking has had grave ramifications—children coming to school with lunch money in their shoes to avoid a shakedown by a student addict, children chronically absent because they are too addicted to attend school, and most crucial, as with any contagious disease, student addicts spreading drug use to others.

Even more disturbing, however, was the cogent evidence establishing the Board of Education's failure to act in the face of this crisis. Respected educators, aware of the alarming spread of school drug use in the late nineteen-sixties, describes their frustrating and abortive attempts to have the board deal with the problem. Despite these efforts, as well as mounting pressure from concerned parents, the board, as late as 1969, never even devoted a single meeting to discussing the problem.

Nor was the board alone in indifference to the crisis; its attitude became symptomatic throughout the schools: principals denied police reports of drug abuse in their own schools. Indeed, some principals even hindered police undercover operations.

And still, in 1972, the board persists in this attitude. The chairman of the State Commission of Investigation testified that despite a year-old report severely criticizing the board's "head-in-the-sand" position on drug addiction, "nothing had changed"; it was still "business as usual" with the board likening the drug addiction problem to the problem of students "failing to do their homework."

It is shockingly apparent that the board has not yet taken the essential first step toward solution. The board must begin by publicly admitting the dimensions of the problem. Where great problems exist and dramatic remedial action is necessary, as in the case of the school drug epidemic, then the dictate of responsible leadership is to alert the public to the urgency of the problem in order to mobilize the commitment of resources required.

The board has not done this.

Significantly, the media, focusing on an allegation at the hearing regarding corruption in a prosecutor's office, largely ignored the testimony of disastrous inaction by the board. Corruption of public officials is a serious matter and should be aggressively rooted out where proved to exist. But is not the demonstrated failure of will in the officials responsible for the city schools also corruption?

It is, in a deeper sense, moral corruption—devastating—for a society whose "most precious resource, its youth, are," as Bronx County District Attorney Roberts testified, "being drained away by drug use."

[From the New York Times, Thursday, June 22, 1972]

UNDERCOVER AGENT TELLS HOUSE UNIT SCHOOLS IN CITY ARE A DRUG "HAVEN"

(By David E. Rosenbaum)

WASHINGTON, June 21.—An undercover narcotics agent who said she had worked for more than three years in the New York City schools told a Congressional committee today that they were a "haven" for drug sales and use.

The agent, Detective Kathleen Conlon, listed more than a dozen high schools where she said she had posed as a student and where drug abuse was rampant.

She told of students buying, selling and using all forms of drugs in the schools and said many teachers actually "condoned" the use of narcotics in school. At some of the schools she was in, Miss Conlon asserted, 90 per cent of the students were on drugs of one form or another.

Many public high schools and Queens College have not cooperated with police efforts to combat the drug traffic, she said.

Detective Conlon also corroborated part of a statement made by another undercover policeman before the committee Monday, charging failure by the Brooklyn District Attorney's office to prosecute a case in which the father of an arrested student said he was a friend of the District Attorney.

The prosecutor, Eugene Gold, denied the accusation yesterday, saying that he did not know any of the defendants involved or their parents. He called the allegation "reckless and irresponsible."

WEARS WHITE HOOD

Miss Conlon, a slight, fair-skinned woman, is 29 years old but looks at least 10 years younger. She wore a white hood while photographers were in the hearing room, but removed it when she began her testimony. Last August she was promoted from policewoman to third-grade detective by Commissioner Patrick V. Murphy in a public ceremony after she was nearly killed in an incident in the Bronx.

Among the schools where Miss Conlon said she had witnessed drug trafficking were Charles Evans Hughes and St. Anthony of Padua, in Manhattan; Springfield Gardens, John Bowne, Forest Hills, Bayside, Francis Lewis and Public School 189 in Queens; Fort Hamilton in Brooklyn, Port Richmond on Staten Island and Taft in the Bronx.

She also mentioned Queens College, Queensborough Community College and Long Island University.

"In general, school is like a haven for drugs," the detective said. "It's a big business there."

Asked what she thought could be done about the problem she replied:

"Discipline is the name of the game. Show these kids that you mean business, that you're going to stand for no monkey business and they're going to straighten up and fly right.

"Teachers have no backing. They're only in there for the money. They're scared of their jobs."

The detective said that late in 1969, when she was working at Springfield Gardens High School, one student would sell $500 worth of drugs before school in the morning, $500 worth at lunchtime and still more when the second-session students arrived in the afternoon.

At this school, in a middle-income community, students would regularly "nod out" in class and be ignored by the teachers. One teacher, she said, told a troublemaker to "go out and take something to quiet you down." She said three-quarters of the students there used narcotics and as many as 50 per cent of the students were on heroin.

At John Bowne High School, she declared, students took drugs in the school and then went to nearby Queens College to "nod out on the grounds." The Queens College officials, she said, refused to cooperate with the police.

In New York, Richard DeHaan, the college's associate dean of administration, and Pius Ross, director of security, denied Detective Conlon's statement, saying they had never refused to give undercover policemen student identification cards, as the detective asserted.

Mr. DeHaan and Mr. Ross also said that "several times" in the last academic year they had called in city policemen to arrest suspected drug users. Unmarked police cars also cruised the campus, they declared.

It was at Fort Hamilton High School in Brooklyn where Miss Conlon said she saw drug trafficking, arranged arrests and then saw the cases dismissed by the District Attorney's office. This took place, she said, in 1970.

She said she watched one girl sell barbiturates for about 40 minutes in the school cafeteria and then herself bought two pills for $1 from the girl.

She went with other policemen to the girl's home that night to arrest her and following the arrest, the girl's father said that the arrest would be taken care of because he was "a personal friend of Mr. Gold."

[From the New York Daily News, June 20, 1972]

COP SWEARS DA FIXED DOPE RAPS

(By Owen Fitzgerald)

An undercover narcotics detective swore yesterday that Kings County District Attorney Eugene Gold and his staff had "fixed" narcotics cases brought to him by police. Gold in a hurriedly called news conference, flatly denied all the charges and described them as the product of a "vivid imagination."

The undercover officer, Steve Spinnelli, who posed as a student at three Brooklyn and one Staten Island public high school, said under oath before congressional crime probers that Gold and his chief assistant, Elliott Golden, killed his arrest cases. Another assistant DA tried to bribe him, he testified.

Spinnelli told the House Select Crime Committee that Gold dismissed the cases of eight youngsters he arrested at Fort Hamilton High School in drug sales.

"It was a fix because he knew one of the parents," charged Spinnelli, who entered the third-floor hearing room in the Federal Building at 26 Federal Plaza cloaked under a hood.

"A VIVID IMAGINATION"

At the news conference later in the day in his Brooklyn Municipal Building office, Gold retorted:

"Spinnelli has a vivid imagination. He seems to think that he is the only honest person in the Police Department. He is frustrated because he has not gotten a promotion that he was after. As a matter of fact, he came to me and asked my help in getting a promotion," said Gold.

The DA said Spinnelli was one of the arresting officers but not the undercover agent at Fort Hamilton High School in a case in which nine of 10 pupils arrested were under 17 and were assgined to the Youth Counsel Bureau for rehabilitation.

Gold said Spinnelli was "unhappy" over prosecution of a motorist in a hit-run auto case in which his car was damaged and was also "unhappy" over the handling of a drug-bribery case which needed corroboration.

At the congressional hearing a black folding screen shielded Spinnelli from the press and public. Once seated before the committee and its chairman, Rep. Claude Pepper (D-Fla.), he removed the hood and began a bizarre account of not merely lack of cooperation between some school officials and police but at times instances of harassment and obstruction by teachers and principals.

ESTIMATES OF DRUG USE

He told of teachers showing pupils how to roll marijuana cigarets and bragging of dope parties in their apartments. He spoke of students so "stoned" in school corridors that they staggered into terrified teachers.

At Susan Wagner High School on Staten Island, Spinnelli estimated that 90% of the youngsters have experimented with some kind of narcotics, 20 to 30% of them were hard drug addicts, and almost 75% of the student body used marijuana or pills. He made his first drug sale arrest the second day he was at Wagner High, he said.

Spinnelli told the probers that he "fought" the Brooklyn DA's office for three years, pressing for action on his Brooklyn school arrests.

"There are ranking people in the district attorney's office and in Brooklyn Criminal Court I can prove their involvement in narcotics," he testified.

REPORTED TO SUPERIORS

He said he reported his charges to his police superiors and investigations are under way.

"Police officers in this borough are completely frustrated by the actions of the district attorney's office," he said.

Spinnelli said Chief Assistant Golden "had the nerve to say to me that certain political favors were done."

He added: "I told him I call it a fix. If it was a police officer, he would just be put in jail."

"A DEFINITE FIX," HE SAYS

Rep. Frank Brasco (D–Brooklyn) asked Spinnelli if he felt the drug case dismissals were based on legal grounds or philosophical reasons.

"No, it was a definite fix in the Fort Hamilton case," the witness replied.

Rep. Charles Rangel (D–Manhattan), who closely questioned Spinnelli, assured him that the House committee would follow up his charges if he felt local authorities were not fully investigating them.

[From the New York Post, June 20, 1972]

PROBERS CALLING WOMAN DRUG COP

(By Joe Feurey)

A woman police officer who says she will talk about corruption in Brooklyn District Attorney Eugene Gold's office appears before a Congressional committee today.

Gold was also scheduled to testify in the hearing at the Board of Education in Brooklyn.

The police officer, a pretty, petite blond, said last night that her testimony would back up allegations of corruption in Gold's office made yesterday by undercover detective Steve Spinelli.

Spinelli told the House Select Committee on Crime that an assistant district attorney had offered him a bribe to drop narcotics charges but that Gold, when informed of the bribe offer, had refused to bring charges against the assistant. Spinelli also told the committee of other narcotics cases which he asserted were fixed through the DA's office with Gold's knowledge.

The police officer, Kathleen Conlon, who, like Spinelli, did undercover work in the schools, was to testify immediately before Gold.

When Miss Conlon was asked whether her testimony would corrobrate Spinelli's, she said "Yes, definitely."

Spinelli said he had been "completely frustrated" by Gold's office while working under cover to nab drug pushers in the schools.

He said that only one of more than 10 cases he had brought to Gold's office had been pursued. The rest were dropped, Spinelli said.

Gold, in a press conference later, called Spinelli's charges "total fabrication." He said that none of his assistants had tried to bribe the policeman and that the charges were not dismissed in nine of the 10 cases Spinelli worked on. Instead, said Gold, offenders were referred to the Youth Counsel Bureau for rehabilitation.

Gold said Spinelli "has a vivid imagination and a profound frustration" because he failed to get a promotion.

He said Spinelli was only an arresting officer and not an undercover agent in several cases involving youths accused of selling marijuana and barbiturates.

Miss Conlon said she had been forbidden by higher police officers to talk about the charges to anyone except the committee.

One of today's first witnesses, Controller Beame, charged that a "substantial portion" of Board of Education guidelines relating to adddicts in the schools were ignored, including a provision that addicts be reported to the Narcotics Registry.

[From the New York Daily News, June 17, 1972]

YOUTH HEROIN DEATHS ZOOM

FIFTEEN TIMES MORE THAN IN 1960 HERE

(By Keith Moore)

Heroin deaths among public school youngsters in the city leaped to a figure last year that was about 15 times the number of reported victims 11 years ago, a congressional committee disclosed here yesterday.

The Select Committee on crime, which is looking into the extent to which hard drugs are bought, sold and used in the nation's public school system, said teenage narcotics deaths in the city rose from 15 in 1960 to 227 in 1971.

The committee, meeting the press in advance of hearings that will start in this area Monday, said: "Heroin kills more young people in New York than any other single cause, including automobile accidents, homicides and suicides."

The committee, headed by Rep. Claude Pepper (D-Fla.), said school officials have obstructed police investigations of the drug problem and suggested that use of drugs in the schools was linked to prostitution among students.

UNDERREPORTING IS CHARGED

"We have also been informed by witnesses that drug sellers have made special efforts to supply addicted young high school girls who then are introduced into prostitution rings to support their drug habits," the committee said in a statement.

Rep. Frank Brasco, (D-Brooklyn) charged school board officials and administrators in the city school system with "underreporting day-to-day incidents" in which student sale or use of drugs may be involved.

Brasco suggested that one school official passes the buck to the next and that secrecy is maintained at the highest levels of the public school system.

"The teacher reports it to the principal and he passes it on to somebody else until it reaches the board. The central board apparently speaks only to God," he said.

"The board would rather sweep the entire problem under the rug than confront it head on."

RANGEL FAVORS URINALYSIS

The three-member committee said at 26 Federal Plaza it had been told by persons whose names it refused to disclose that "there is no point in identifying school-age drug abusers because neither the school system nor any other governmental agency has an effective program for giving that child remedial attention."

However, Harlem Democrat Charles Rangel said he intended to press for legislation to have urinalysis included in the over-all physical checkup for public school youngsters.

Asked whether he thought this might not be an invasion of privacy, Rangel said "It might be," but he added that the tests could be administered in a routine way "from the time you start checking for cavities."

Monday's hearing will be held at 26 Federal Plaza and will hear testimony from various city officials. Tuesday's session will be held at Board of Education headquarters, 110 Livingston St. On Chancellor Harvey Scribner in Washington.

[From the New York Post, June 19, 1972]

Cop Says Assistant DA Tried To Bribe Him

(By Joe Feurey and Clyde Haberman)

A narcotics detective working undercover in the city schools told a Congressional committee today that an assistant Brooklyn District Attorney had tried to bribe him last year in Brooklyn Supreme Court.

Detective Steve Spinnelli, wearing a black hood over his face, said he had been "completely frustrated" in his job by Brooklyn DA Gold's office. He testified that Chief Asst. Brooklyn DA Elliott Golden had admitted to him that a "fix" was in on eight narcotics cases that had been dropped.

Spinnelli said he asked Golden why the cases were not being pressed and was told: "There were certain political favors done."

"You mean it was fixed, don't you," Spinnelli said he asked.

"Call it a fix if you want to," he quoted Golden as replying.

The detective did not name the assistant DA who allegedly had offered him a bribe. But he said the attempt took place in March, 1971, in Brooklyn Supreme Court. His testimony was before the House Select Committee on Crime which held hearings here today at 26 Federal Plaza.

The assistant DA, he testified, came over to the criminal branch of the court, where Spinnelli was that day, and offered him an undisclosed sum of money not to press the case.

Spinnelli said he turned down the bribe offer and reported the incident to Gold.

"That was 15 months ago," he said. "He (the assistant DA) hasn't been fired yet. They just transferred him to the grand jury."

In another instance, involving the drug arrest of a student at a Brooklyn high school, he continued, the youngster's father told him he was a personal friend of Gold and that the case would never come to trial. The next day, according to Spinnelli, someone in the DA's office told him that the case was being discontinued.

Other detectives were also willing to testify about bribe attempts from the DA's aides, he said.

Gold, reached for comment, replied that Spinnelli's statements were "just not true", and that no one in his office had been transferred in the past 15 months. The incident with Golde, he said, was "total fabrication."

Before discussing his relations with Gold and his assistants, Spinnelli testified that city schools had become "a sanctuary" for narcotics addicts and dealers.

In some schools, Spinnelli said, citing in particular John Jay HS in Brooklyn, between 40 and 50 per cent of the students were addicted to heroin.

Teachers were suspected of dealing in narcotics in some schools, he testified, and many principals and instructors took an "ostrichlike" position of not recognizing that there was a problem.

From his experience of five years of undercover work in the school system, Spinnelli said, 90 per cent of all students in the city had experimented with a drug at some point in their high school careers.

Spinnelli, who had posed as a student in his work, was the first witness and will be followed by other policemen, state investigators and Board of Education officials.

Spinnelli complained to the committee members that he had frequently received little cooperation from school officials and at one school, the Susan E. Wagner HS on Staten Island, the principal had actively interfered with his investigation by pointing him out to too many teachers.

In general, he said, undercover teams could not work without the cooperation of both teachers and principals but in many schools investigators were denied entrance, though they believed drug dealers were operating there.

The attitude was summed up in remarks made by many school officials that their job was to "provide education, not law enforcement," Spinnelli said.

Most sales of drugs—ranging from marijuana to heroin and methadone—were carried out by students, the detective testified, some of them only 15 years old. But because of military service and previous drop-outs from school, some student dealers were as old as 25, he said.

In some cases, even teachers were believed to be selling, Spinnelli continued. But usually, he said, the situation was one where the teachers closed their eyes to sales and youngsters obviously high on drugs.

"Some teachers," he said, "are afraid for their lives. Some don't care. And some are even using drugs themselves."

[From the Paterson (N.J.) News, June 24, 1972]

Heroin Deaths Zoom

"Heroin kills more young people in New York than any other single cause, including automobile accidents, homicides and suicides," a Congressional Select Committee on Crime disclosed in open hearings in the metropolis.

Looking into the extent to which hard drugs are bought, sold and used in the nation's public school system the committee said teen-age narcotic deaths in the city rose from 15 in 1960 to 227 in 1971, an increase of 15 times. Headed by Representative Claude Pepper, Florida Democrat, the committee said school officials have obstructed police investigations of the drug problem. They suggested that use of drugs in the schools was linked to prostitution among students, with young high school girls being introduced into prostitution rings to support their drug habits.

Harlem Representative Charles Rangel, a member of the 35-member committee, said he intended to press for legislation to have urinalysis included in the overall physical check-up for school youngsters, to ascertain if it contains drug traces. That could lead to remedial attention.

Heroin addiction is an indication that drugs have risen to the top of the damage ladder among high school students. It is bad enough that they are causing more than a death a day for every school day. It is even worse now that it is pushing young girls into prostitution.

[From the New York Times, Aug. 26, 1972]

"Deadly Menace" in Class

(By Leonard Buder)

Last June a woman undercover narcotics agent, who had posed as a student in more than a dozen New York City high schools over a three-year period, told the House of Representatives Select Committee on Crime that the city schools were a "haven" for drug sales and use. She contended that in some of the schools 90 per cent of the students were on drugs of some sort.

A few days later city School Chancellor Harvey B. Scribner appeared before the same committee and, while conceding that school officials had been "too apathetic too long," declared that the system was now acting, in a variety of ways, to meet the "deadly menace" of drug abuse among its more than 1.1 million pupils.

Last week the State Commission of Investigation, making public the findings of its two-year inquiry into "Narcotics and the Schools," charged that the city school system had failed to do all that it could have about the problem and had not cooperated with other concerned agencies, such as the city's Police and Health Departments. Once again, Dr. Scribner responded with a defense of the system's efforts in counseling and drug education.

The commission's charges, which are hardly new, and a subsequent controversy over whether schools should report the names of students who are known drug addicts to the Department of Health, once again focused attention on a problem that some experts say is not just "epidemic" in scope, cutting across racial and economic lines, but now "endemic" in nature.

According to the school system's latest tally, last year the city's 90 schools had 7,783 known or suspected heroin addicts and users. A total of 58,747 pupils—about 5 per cent of the oevr-all enrollment—were known to be or suspected of using various hard or soft drugs.

In 1970, the schools reported 4,075 heroin addicts and occasional or suspected users, and another 20,000 students were involved or believed to be involved with various other drugs, including barbiturates, tranquilizers, stimulants and marijuana. Whether the 1971 figures reflect a surge in drug use or the increasing ability of school personnel to detect drug users, or perhaps a combination of both, there are many who feel that even these statistics understate the gravity of the problem.

Probably no youngster, no parent or no responsible official would deny that there is a serious drug problem but there is disagreement over whether the schools have responded sufficiently and even over what constitutes an effective response.

The state commission report said that some school principals had cooperated with police and that this had resulted in the arrests of some pushers. Other principals, the commission asserted, have not cooperated—some denying that they had a drug problem when it was obvious that one existed, while other refused to furnish leads or give information to police.

The school system's most important contribution to the attack on the drug problem, most experts agree, should be in the area of drug education and prevention. During the past year and a half. Dr. Scribner recently said, the system has mounted, with the help of various agencies and special funding, a number of new programs:

In the high schools, which are under central control, a new program called SPARK (an acronym for School Prevention of Addiction Through Rehabilitation and Knowledge) was started last year. Each school now has a trained narcotics education specialist to work with students, parents and teachers, and to devise special programs.

Special Intervention and Prevention Teams, consisting of a psychologist or social worker, a guidance counselor, two teachers and four addiction specialists, have been assigned to 12 high schools in high drug-use areas of the city.

On the local level, each of the system's 31 decentralized districts has its own narcotics coordinator to oversee programs in the elementary and junior high schools. These programs are intended to reach every youngster in each school.

One former headquarters official, who did not want to be named, noted last week that the system had bureaus for virtually every area—art, music, science, and so on—but none for narcotics education.

Drug education generally falls under the central aegis of the Bureau of Health and Physical Education, which has many other responsibilities, and at a higher level, under the authority of the Deputy Superintendent for Instruction.

"We are all late in recognizing the problem and doing something about it—the schools, the cities, the state legislatures, and the Federal government," Dr. Scribner told last June's Congressional hearing. "One of the dangers now is that we spend time trying to fix blame on each other rather than joining together to combat the problem."

[From the Wall Street Journal, Aug. 21, 1972]

WHO HANDLES AN EPIDEMIC?

While no one would doubt the sincerity of most of the educators who must try to cope with the problem of drug peddling and use in schools, there is a possibility that some should rethink their roles.

In New York, for example, some school administrators and the Civil Liberties Union are raising objections to a provision of the New York City Health Code that requires schools to report the names of students known by the schools to be drug users. A New York CLU official complained that enforcement of the rule would turn school employes into informers.

School Chancellor Harvey B. Scribner replied that he is enforcing the rule because he is forced to and even though he thinks it "may well be inconsistent with current efforts by the schools to fight drug abuse among students." He fears that counselors and drug abuse specialists working in the schools will lose the confidence of students if it becomes known that they are reporting names.

This may prove to be true, and no doubt many school counselors genuinely feel that if they can gain the confidence of drug users they can influence them to give up narcotics. But the history of hard drug addiction does not support that theory. The addictive power of heroin usually is too strong to be overcome by persuasion.

It also is doubtful that schools should try to assume the primary responsibility for dealing with addicts. Addiction is, in essence, a public health problem and primary responsibility for its control should rest with public health authorities.

Moreover, the tendency of drug addicts to support their habits by proselytizing troubled or ignorant youths gives the problem all the characteristics of an epidemic. It should be evident by now that it is dangerous to try to meet an epidemic with ineffective remedies.

Use of pejorative words such as "informer" to describe control efforts isn't much help. CLU and school officials would do well to take a more cooperative and informed approach themselves. There is very little evidence that the approach they have been taking is effective in protecting students.

Mr. Pepper. Following our hearings in New York, in the early part of August we had three days of hearings in my home city, Miami, and there the situation was described by a member of the school board, Dr. Ben Shepherd who is a medical doctor, and as I said, a member of the school board, the gentleman on the board who is primarily looked to by the board for advice on drug matters, and he is also a former juvenile court judge and also the director of a treatment and rehabilitation program.

This local citizen, just renominated to the school board, a man of great dedication and distinction, described the drug situation in the schools of Miami as "epidemic." It had been described in New York by some of the witnesses as "appalling."

So I would like to introduce, if I may, also a summary of our hearings in Miami.

Chairman Perkins. Without objection, it will be done.

(The document referred to follows:)

DRUG ABUSE IN THE NATION'S SCHOOLS—MIAMI HEARINGS

In mid-June, the Select Committee on Crime began a series of hearings in cities and suburbs across the country on the subject of drug abuse in the Nation's schools. These hearings delved into a condition that has become so pervasive and extensive that the proportions of a national scandal now exist.

The Committee is inquiring into the abject failure of our governmental institutions, especially our schools, to attack the problems and control the increase in narcotics abuse by school-age children.

Witnesses at our hearings in New York testified that drug abuse is contagious and spreading unchecked throughout the school system, devastating the lives of the affluent as well as the ghetto child. The responsibility for this problem was placed squarely on the Board of Education. In the face of overwhelming evidence of the drug epidemic, the Board has, as one official stated, "buried its head in the sand" and viewed the problem in the same vein as "students not doing their homework."

It is clear that the Board of Education has not recognized nor attempted to cope with the epidemic. The Chairman of the State Crime Commission testified that although the problem was dramatically called to their attention "nothing has changed" in a year and that it is still "business as usual" at the Board.

Testimony at these hearings brought out the fact that school personnel have long violated the law by failing to report cases of student drug addiction. Our hearings also disclosed that many school officials oppose and have interfered with police undercover efforts to apprehend drug sellers in the schools. Because of this attitude, schools have become sanctuaries for drug sales and addiction. School officials ignore and avoid students who are clearly under the influence of drugs. In fact, in one situation a teacher admitted the use of drugs and showed a young and impressionable class how to roll marijuana cigarettes.

Shortly after Dr. Harvey Scribner, Chancellor of the New York City Board of Education testified and was subjected to intensive examination on the witness stand by Chairman Pepper and other Committee Members, Dr. Scribner announced a complete reversal of school policy concerning known drug addicts in the school system. Dr. Scribner recently directed the schools to report the names of known student addicts to the Department of Health for inclusion in the city's Narcotics Register, a mandate of the New York City Health Code which had been ignored by school officials for nearly ten years until brought to light by the hearings of the Select Committee on Crime.

On July 5, the Select Committee on Crime began public hearings into the problem of drug sales and drug use among high school and junior high school students in the Dade County (Miami) metropolitan area. The Dade County school system is one of the largest in the country with more than 230,000 students in elementary through college level classrooms.

Chairman Pepper opened the hearing by stating that the problem of drugs in schools was of epidemic proportions—a condition which was so extensive that it had assumed the proportions of a national scandal. He said that neither the school system nor any other governmental institution has an effective program for giving drug abusers remedial attention.

"Most regrettably, the policy of most school boards is one of turning away from the problem by refusing to acknowledge the extent to which it exists at the local school level.

"Our hearings are designed to determine the extent to which drugs are being bought, sold and abused by children in our schools," Pepper said. The Chairman cited a recent national survey that shows that six percent or half-a-million school-age boys and girls had experimented with heroin. He added that 12-year olds are using heroin purchased on the school yard. Although the condition in Miami is not nearly as desperate as in New York—where we opened our hearings—we are in the midst of a serious drug epidemic in its nascent or preliminary stage, Pepper said.

The Chairman said that more than half of the $58 million worth of stolen property taken each year in Miami can be attributed to addicts. More than 450 persons have died of drug overdose in the Miami area.

Chairman Pepper was joined at the hearings by Committee Members Frank J. Brasco and Charles B. Rangel of New York; Jim Mann of South Carolina; Morgan F. Murphy of Illinois, and William Keating of Ohio.

The first two witnesses were women who told the Committee tragic tales of drug abuse which claimed the lives of their sons. A third witness told how her 18-year old son, strung out on heroin, strangled his baby sister while she beat helplessly on a locked bedroom door.

Also called to testify was Dr. Marvin Burt, former consultant for the Urban Institute in Washington, D.C., and project director for a Dade County financed study on hard drug users. The study has recently been completed. Burt estimated that from 7,000 to 12,000 addicts of all ages were found in Dade County, but that due to the lack of cooperation from Dade School officials, he had to confine his study to abusers outside the school system. Under questioning, Dr. Burt agreed that a survey that excluded school age children had limitations. He defended the survey by stating that past experience has shown that school students use heroin very infrequently, though he could not support such findings due to the fact that he received no cooperation from administrators in the school system who he asked to participate in the survey.

It should be noted that less than a week after the committee hearings in Miami, Dade school officials announced a $128,000 drug abuse program would begin in the upcoming school year, subject to the approval of the school Board.

Also testifying on July 5th were Mrs. Phillis Miller of the School Board; a panel of school teachers; assistant Dade County Medical Examiner, Dr. Brian Blackbourne, and a TV newsman, Dr. Manolo Reyes, prominent in the Cuban Community.

That evening, all the members of the Committee accompanied Chairman Pepper in a visit to an innovative and impressive drug treatment center, "The Seed," which has operated for two years in an effort to reach the adolescent drug abuser and experimenter.

Where most drug abuse programs cost from $3,000 to $5,000 per patient, "The Seed," which claims a 90 percent success rate, spends less than $300 per young boy or girl. Its founder and director is a reformed alcoholic, Art Barker, who claims that his success is attributed to the fact that he removes the adolescent from his drug oriented environment and places him in a peer-pressure situation where he is confronted by 500 other individuals his own age and made to discuss both his drug problem and his attitude toward life.

Many of these youngsters, Barker said, begin to think for themselves for the first time in their lives. The Seed youngsters are placed in foster homes for the duration of their time in the program which can range from two weeks to several months. Most are brought to the center by their parents, though many are now remanded by the juvenile and criminal courts.

The following day, the Committee heard from four "Seedings,"—three young girls, and an 18-year old boy who claimed to be heroin drug users until they received the benefits of the Seed program.

"I went to school many days stoned," said Ann Ryser, 14, in a hushed auditorium at North Miami Beach Senior High School, where the Committee held its session. "I did crimes all the time. I would steal from stores like it was nothing. We stole cars, took them to the airport and stripped them of all they had so that we could sell them to buy drugs."

Larry Pellegrini, who said he began smoking marihuana at the age of 13, told the congressmen he became addicted to heroin and finally turned to armed robbery to support his habit. He estimated he had committed more than 100 crimes.

"Kids today won't listen to parents, teachers, police or anybody except their peers," said witnesses Libbi MacDonald. "Peer pressure is the only thing that is going to take the kids off drugs. Churches are not doing any good at all. They provide another recreation place where the kids can sell drugs and get stoned."

Sally Pace, 16, told the congressmen that 80 percent of the students in one of South Florida's largest high schools are using drugs. She said that anti-drug programs she had experienced in school were "unreal." "I knew more about drugs than them. You cannot scare a kid against using drugs."

Barker, who also testified, criticized the "ridiculous statements" of many school administrators that drug problems were not prevalent in South Florida schools.

"This is how bad it is," he said. "When I started two years ago the average age of the junkie coming to me was 20. Now the average age is 15, with three years of drug use experience."

Appearing later in the day were Judge Alfonso Sepe, of the Criminal Court, who has been in the forefront in Dade County among judges remainding drug abusers to the Seed. Also, former U.S. Commissioner Edward Swan told the Committee: "I thought I was the top expert on drugs in Miami, then I found out my own 15-year old daughter was hooked on cocaine.

"I handled all kinds of drug cases, from customs, the FBI and other agencies; I knew it all. But I have been reeducated in the last 90-days," Swan continued.

"I wasn't a bad parent," testified R. E. Taylor, Vice President of student affairs at Fort Lauderdale University, who told of his 19-year old daughter being rehabilitated after three years as a heroin addict.

Their daughters, they said, had both started with marihuana under pressure from their school friends. When none of the treatments and consultations worked, both eventually forced their children to enroll in "The Seed."

"When I put Kathy in the program, she was 15 and had been using drugs for two years," Swan said. "She screamed for her lawyer.

"After two weeks, when we attended one of the meetings, she still tried to con us, whispering 'Take me home.' Her mother and I just smiled and whispered back: 'We love you.' The experience will tear your heart out."

For Swan and Taylor there are happy endings, both daughters are straight, and the families have learned new awareness, attitudes and knowledge about each other.

Also testifying were individuals who operated other drug rehabilitation programs in the Miami area—most of which dealt with older addicts with more serious drug problems than those drug abusers treated at "The Seed."

The Committee was astonished to learn that neither the schools nor any other governmental institution had attempted in a large way to reach and rehabilitate addicts who had not yet become heavily dependent on drugs.

The next day, the Committee heard from Dr. Ben Sheppard, a medical doctor and lawyer, a member of the Dade County Board of Public Instruction, and one of the most outstanding community leaders in the fight against drug abuse. He said that the family unit should be the "first line of defense" in the fight against drug addiction. Sheppard told the Committee that he believed that 50 to 60 percent of the County's secondary school students are using drugs. Sheppard said he was an advocate of peer pressure programs similar to tha offered at "The Seed."

Hy Rothstein, whose office has the responsibility to oversee the school system's drug education program, also was a witness. He said that society had to be held largely responsible for the drug problem and that the burden should not entirely be placed on the school system.

Chairman Pepper said that school officials should be leading the demand for funds from local, state and federal agencies to find and treat school age drug abusers.

Shortly after the conclusion of the hearings, a year long survey of teachers, administrators and counselors revealed that approximately 11,000 or 10 percent of Dade County's 110,000 junior and senior high school students are heavy drug users.

The survey conducted by the Dade County Board of Public Instruction concluded what the Committee had determined: drug abuse in Miami-area schools "is a widespread problem that is growing worse."

The following editorials were published by area newspapers following the hearings:

[From the Miami Times, Friday, July 21, 1972]

THE DRUG CRISIS

It is disturbing that the United States House of Representatives Select Committee on Crime has called world wide attention to drug crisis existing in our local schools.

The Committee's hearings were initiated in various cities to determine the extent to which drugs are being bought, sold and abused by school children. It was stressed, however, that the Committee was essentially questioning the abject failure of our governmental institutions—especially schools—to attack aggressively the problems of narcotic abuse.

The Congressional Committee, chaired by Claude Pepper, highlighted the fact that Dade County Public Schools, like most big-city school systems, does not have an effective program for providing remedial attention to its students with drug problems. This is an indictment which must be answered with concrete action.

Awesome facts about our local drug scene were brought out in the hearings; that 12-year olds are experimenting with heroin bought in the school yard; that young girls and boys are "popping" pills of all kinds; that 13-year olds are buying dope from their 15-year old school friends; that approximately 1 in 137 local residents is a hard core addict; that more than 450 people have died in drug related deaths over the last five years, 70 of whom were teenagers; that in the last two years school age children's drug deaths have more than doubled.

This gruesome list goes on and on.

Having had this ugly picture painted for us, Dade Countians must look now for solutions to the drug problems. All those agencies—both public and private—which can influence the development of a comprehensive action plan for Dade County must come together now so that we can begin to eradicate the menace in our midst.

We owe a sincere thank you to Florida Congressman Claude Pepper for convening his Committee in our city and allowing the true facts—however hard they might be—concerning the drug epidemic to come into the public eye.

We owe our young people all the resources we can muster to get those in need immediate help. We must begin now.

[From the Charlotte Observer, July 17, 1972]

THE DRUG REPORT

DESPAIR AMONG OUR YOUTH

Last week, 16-year old Sally Pace of Ft. Lauderdale, Fla., told the House Select Crime Committee that when she went to school stoned on drugs her teachers let her sleep. Several other Florida teen-agers testified that students use school bathrooms and parking lots in getting stoned, that teen-agers are turning to crime to support their habits, that teen-age drug users introduce other teen-agers to drugs.

Several weeks ago, a survey conducted by the Charlotte-Mecklenburg Drug Education Center documented the problem of junior and high school drug use here. The survey showed that of the 32,995 junior and senior high school students surveyed last March, 55 per cent reported having used one of seven types of drugs listed—marijuana, alcohol, hallucinogens, amphetamines, barbiturates, opiates and inhalants.

Last week, the Drug Center released the second part of its findings, indicating that students who are bored and frustrated are more likely to use drugs than those who are fulfilled or challenged by school. More F students use drugs than A students.

These findings coincide with those of an Army psychiatrist writing in the May-June issue of The University of Chicago Magazine. Citing his experience with drug users in Vietnam, Dr. Richard A. Ratner said that despair, which often grows out of boredom or harassment, accounted for the high rate of drug use among soldiers. He suggested that the soldier's despair in Vietnam is comparable to the despair many teenagers and adults in this country experience.

The drug problem in Charlotte-Mecklenburg schools and in Vietnam is not lessening. Our methods of combatting it are not producing results. Dr. Ratner and others warn that simply saying "don't" will not work. Nor will the horror stories about the lives of addicts. People in despair often welcome self-destruction. The solution is to treat the hopelessness, not to arouse fears.

One cure for the hopelessness is to make the schools an exciting, challenging opportunity for today's teen-agers. As the Charlotte-Mecklenburg Community Relations Committee reported last May in its investigation of the cause of disruptions, for too many students the school experience is one long series of daily defeats. The curriculum is irrelevant to their needs or ambitions. The teaching methods are geared to mass instruction. The performance standards are not flexible enough to meet their abilities. There is a lack of communication between the schools and the students, between the schools and parents. There is not enough guidance and counseling.

While the Community Relations Committee was making its recommendations in response to disruptions, Dr. Ratner's comments make us think that the same recommendations could be made in response to the Drug Center's findings. The schools are not always the cause of the despair that leads to student drug use, but they are the one place where it must be treated. That takes money and community support.

[From the Miami News, July 14, 1972]

SCHOOLS VERSUS NARCOTICS

In the wake of hearings held by the Select Committee on Crime, chaired by U.S. Rep. Claude Pepper of Dade, local school officials have announced an expanded drug program for the coming school year.

The project has yet to be voted on by the Board of Public Instruction. The community should familiarize itself with the program's three approaches and relate these goals to the hearing on crime and drugs.

The panel heard about the accessibility of drugs in the schools as well as various crimes committed while young people were allegedly experiencing the effects of drugs. At the time, Rep. Pepper criticized Dade's ineffective attempts to identify and rehabilitate drug users in the schools.

The school plan has been months in the making, and will expand the present drug information approach and the process approach (where youngsters share experiences in hopes of understanding their own problems) to include the activities approach. This would provide secondary schools with funds to expand extra curriculum programs.

The logic is that if students are actively pursuing interesting and creative programs of their own choosing, much of the temptation to become involved with hard drugs can be avoided. The concept has much to offer, since many youths who suffer drug experiences often are alienated from their daily school and personal lives. Some additional form of personal stimulation might be the way to combat drug abuse.

Mr. PEPPER. Then in addition to that, we have many newspaper clippings that relate to the Miami hearings which I would also like to include.

Chairman PERKINS. Without objection, it is so ordered.
(The documents referred to follow:)

[From the Miami (Fla.) News, July 10, 1972]

"12-YEAR-OLDS BUY HEROIN AT SCHOOL"

(By Rick Abrams)

"Twelve-year-olds are experimenting here in Miami with heroin which they can buy in the schoolyard; young girls and boys are popping pills of all kinds; and 13-year-olds are buying dope from their 15-year-old friends."

This statement, by U.S. Rep. Claude Pepper (D-Fla.) was backed last week by many witnesses who appeared before the House Select Committee on Crime. investigating the "Drug Crisis in Dade County Schools," of which he is the chairman.

The other members of the committee are Congressmen Frank Brasco and Charles Rangel of New York, James Mann of South Carolina, Morgan Murphy of Illinois, Charles Wiggins of California and William Keating of Ohio.

The committee questioned dozens of witnesses. If the opinions of former addicts, drug-rehabilitation officials, school-board members, doctors, and parents whose children became addicted and may have died because of drugs are true. Miami is indeed, to use Pepper's words, "gravely in need of help by state, local and national government."

One 18-year-old ex-addict told the committee he robbed stores once a day to support a $200-a-day heroin habit.

A heroin addict's mother testified that her son strangled his 5-year-old sister while in a "drug stupor." The woman told the committee she tried to get help for her son several times.

She said she could not get help from local probation officials, although the boy had been convicted of shoplifting to support his habit.

Art Barker, a founder of The Seed, a Broward County drug rehabilitation program, said he could send any child to any school in Dade County with $10 "and in 20 minutes they could come back with drugs."

"The drug-abuse situation," Pepper said, "has assumed deadly proportions in the Miami area. Over the last five years, more than 450 people have died of drug overdoses or drug-related causes. In the last two years school-age children's drug deaths have more than doubled."

Each day, Pepper began the hearings by saying: "There are 7,000 and 14,000 heroin addicts in Dade County. This means that one in every 137 residents is a hard-core drug addict. In Dade County, of the $58 million worth of property stolen each year, more than half can be attributed to addicts."

Pepper promised that the committee would urge federal legislation so that funds could be given to drug-rehabilitation projects and drug-education programs in schools.

"The federal government," Pepper said, "must take an active and prominent role. We can not let young children's lives turn to crime, degradation and death. We hope that these hearings will be . . . the beginning of a national commitment to assure drug-free schools."

[From the San Diego (Calif.) Tribune, July 7, 1972]

MOTHER DESCRIBES SON'S HEROIN DEATH

Miami (UPI)—Three months before he died of an overdose of pure heroin, Michael Fletcher told his mother the name of the man he bought the narcotic from. She passed the name on to police.

The man was arrested, and released on bail.

"My son was afraid he might be killed," Mrs. Fletcher said.

He was killed, by heroin, "and two boys dumped his body in the Mt. Sianai Hospital parking lot by the bay," she testified Wednesday during the first day of three days of hearings by the House subcommittee on crime and drug abuse which is examining drug use in schools.

The boys who dumped Michael's body pleaded guilty to third-degree murder June 18 and were sentenced to two years in prison. A third boy who was to testify at the trial died of a drug overdose, Mrs. Fletcher said.

The peddler met a violent death.

"I can only guess that organized crime had a great deal to do with these three deaths," she said.

Hers was only one of the stories the subcommittee heard during the day.

Another woman, Mrs. Prescola Benaby, wife of a postal worker, said her 18-year-old heroin addict son locked himself in a room and strangled his 5-year-old sister while the mother pounded helplessly on the door.

"There he was strangling my little baby daughter and I couldn't get in," Mrs. Benaby said. "Where he is at now, I tried and tried to get him there" before the strangling. The son is in a mental hospital.

Both mothers, and a third whose son also died of a heroin overdose, said their sons started on the drug path by smoking marijuana, and progressed to heroin.

[From the Miami (Fla.) Herald, July 7, 1972]

PEPPER URGES NEW ANTI-DRUG PROGRAMS IN SCHOOLS

(By Tom Morganthau)

U.S. Rep. Claude Pepper said Thursday that the Dade County school system should establish broad new programs to identify and rehabilitate student drug users.

"There's no doubt that the schools should have a part in the rehabilitation and recovery of drug abusers," Pepper said, adding that such programs would require new—and unspecified—amounts of state and federal aid.

Pepper made his remarks at the end of two days of hearings on drug use among Dade County secondary school students before his House Select Committee on Crime and Drug Abuse. A third day of hearings, at which School Board member Dr. Ben Sheppard and a group of school administrators are scheduled to testify, will be held today.

"I don't want to pass judgment on the school authorities until we hear from them tomorrow," Pepper said, "But it's pretty clear . . . that adequate recognition has not been given to the problem."

"I'm not blaming the schools for not doing what they don't have the money to do," he said. "But they should be crying on our shoulder about the problem. They should identify the scope of the problem and then go to the Legislature and Congress for funds."

He cited testimony given before the committee on Wednesday that school authorities last year refused a request that they conduct a survey of student drug use.

Dr. Sheppard Wednesday said the schools had declined to administer the study because "it wasn't worth anything."

Pepper's committee, which held similar hearings on drug abuse in New York City schools last week, Wednesday spent over six hours listening to students, parents and staff describe a Broward County drug rehabilitation program, The Seed.

The students—Ann Ryser, 14, Sally Pace, 16, Libby MacDonald, 18, and Larry Pellegrini, 18—told the congressmen that 85 per cent of the high school students they knew used drugs at some time or another.

Three of the four said they had been addicted to heroin prior to entering The Seed program, and Pellegrini said he committed over a dozen armed robberies to support his drug purchases.

Pellegrini, who said he regularly used drugs in school, said few teachers made any attempt to control drug abuse in the classroom.

"The teachers are afraid to say anything because the parents don't want to hear that their kids are on drugs," he said.

"You've got to start cracking down on the schools and make the teachers stand up and do what's right," Miss MacDonald added. "Unless something is done, in five years there won't be any younger generation left—they'll all be dead or in jail."

Other witnesses, however, asserted that school principals thwarted teachers' attempts to control drug abuse by limiting their disciplinary powers.

The committee also heard Criminal Court Judge Al Sepe recommend the creation of involuntary commitment centers for drug rehabilitation.

Sepe said that suspensions from school only compounded the drug abuse problem. "By suspending kids from school, we just give them another holiday and make it easier for them to get involved with drugs," he said. "What we need is involuntary commitment centers . . . where parents can take their children for treatment whether they like it or not."

Today's hearings begin at 10 a.m. at South Miami Senior High School, 6856 SW 53rd St.

[From the Ft. Lauderdale News, July 6, 1972]

PEPPER SEES FUNDS FOR THE SEED

(By Yvette Cardozo)

The Seed probably will get more federal money, U.S. Rep. Claude Pepper, D-Florida, predicted yesterday after a visit to Broward County's revolutionary drug program.

The Seed already has $212,000 in federal money for this year.

Pepper, chairman of an 11-member House subcommittee investigating drug abuse in schools, came away last night from The Seed totally won over.

He called it a thrilling experience to visit The Seed.

"Somehow, they have caught the imagination of these young people; they have stimulated them to think positively," the congressman said.

The Select Committee on Crime is in its second day of a three-day fact finding trip. Today's hearings are being held at North Miami Beach Senior High in Dade County.

The Committee began today by listening to four teenagers, all in The Seed program.

Ann, 14, told how she started at 10 on booze. She estimated 75 to 80 per cent of the children in her school use drugs. The other youths agreed with her figure.

She said she knew it was that high because "I was the one that was selling it. So I knew them all."

She said she never went to a school where she could not get drugs.

Today's testimony centered on drug usage in schools. As Ann put it, in the schools, "there was always that clique that everybody looked up to and I wanted to be in it."

Libby, 19, said she tried just about every drug program in Broward County.

She spent a month in Coral Ridge Psychiatric Hospital.

"It was costing $100 a day and I was getting stoned every day. The psychiatrist . . . all we did was talk about the food in Germany. He was a German psychiatrist."

She finally did go straight, she said, through The Seed program.

Larry, 18, told the committee that in the past three years—before he entered The Seed program two months ago—he couldn't remember two days when he had gone straight. He related tales of holdups. "We would steal guns, too. We would go down to Liberty City (a black area in Miami) and trade them for a $100 bag of heroin."

Pepper likened the aura of The Seed to that of Billy Graham. The program uses heavy peer pressure to convince teen-agers and young adults to give up drugs. Seed director Art Baker claims a 90 per cent cure.

Pepper admitted that he does not see The Seed as the only answer.

"I think it is a basic answer, though," he added.

He was especially impressed with the love and honesty slogan of The Seed.

"It probably replaces a lack in the lives of these youths," he said.

Today's testimony followed that of yesterday, when parents explained how their children were introduced to drugs through the school system.

Those who testified yesterday were like the mother who told how three months before her 21-year-old son died of an overdose of pure heroin, the youth told his mother the name of the man he bought his drugs from.

She passed the name on to police. The man was arrested and released on bail.

"My son was afraid he might be killed," said Shirley Fletcher.

He was killed. By heroin.

"And two boys dumped his body in the Mount Sinai Hospital parking lot by the bay," she said.

The boys who dumped Michael Fletcher's body pleaded guilty to third degree murder on June 18 and were sentenced to two years in prison. A third boy who was to testify at the trial died of a drug overdose, Mrs. Fletcher said.

[From the Dallas (Tex.) Times Herald, July 6, 1972]

DEATH OF SON RECALLED

Miami (UPI).—Three months before he died of an overdose of pure heroin, Michael Fletcher told his mother the name of the man he bought the narcotic from. She passed the name on to police.

The man was arrested, and released on bail. "My son was afraid he might be killed," Mrs. Fletcher said.

He was killed, by heroin, "and two boys dumped his body in the Mt. Sinai Hospital parking lot by the bay," she testified Wednesday during the first day of three days of hearings by the House subcommittee on crime and drug abuse which is examining drug use in schools.

Today, teen-agers were called to testify.

The boys who dumped Michael's body pleaded guilty to first degree murder June 18 and were sentenced to two years in prison. A third boy who was to testify at the trial died of a drug overdose, Mrs. Fletcher said.

The peddler met a violent death.

"I can only guess that organized crime had a great deal to do with these three deaths," she said.

Her's was only one of the stories the subcommittee heard during the day.

Another woman, Mrs. Prescola Benaby, wife of a postal worker, said her 18-year-old heroin addict son locked himself in a room and strangled his 5-year-old sister while the mother pounded helplessly on the door.

"There he was strangling my little baby daughter and I couldn't get in," Mrs. Benaby said. "Where he is at now, I tried and tried to get him there" before the strangling. The son is in a mental hospital.

Both mothers, and a third whose son also died of a heroin overdose, said their sons started on the drug path by smoking marijuana, and progressed to heroin.

[From the Indianapolis (Ind.) Star, July 6, 1972]

MOTHER TELLS HOW HEROIN-ADDICTED SON KILLED 5-YEAR-OLD SISTER

Miami (UPI).—A postal worker's wife told congressmen yesterday how her 18-year-old son, a heroin addict, locked himself in a room and strangled his 5-year-old sister while she pounded helplessly on the door.

Another told of her son's death after he named the peddler who sold him heroin and said she thought it had been ordered by a crime syndicate.

The testimony led off a three-day hearing of a House subcommittee on crime and drug abuse investigating drug use in schools. All the women testifying yesterday said their children were put on the road to crime and death by marijuana they bought at school.

Mrs. Prescola Benaby testified that her son Alvin started using marijuana when he was 16 in junior high school. By the time he was 18, last year, he was hooked on heroin. He locked himself in a room and strangled his sister Beverly.

"There he was, strangling my little baby daughter and I couldn't get in," sobbed Mrs. Benaby.

She said her son is now in a mental hospital.

"Where he is at now, I tried and tried to get him there" before the tragedy, she said. "If I'd just had help, I believe it would have prevented the tragedy in my home."

Mrs. Shirley Fletcher said her 21-year-old son Michael died "of an overdose of pure, uncut heroin and two boys dumped his body in the Mt. Sinai Hospital parking lot by the bay."

Only three months before, she said, Michael had told her the name of the man supplying him heroin. She reported the man to police. He was arrested and released on bail.

"My son was afraid he might be killed," she said.

Eight days before his death, she said he had kicked the drug habit and had gained 20 pounds.

The two youths who dumped his body pleaded guilty at their trial a year later to third-degree murder and were sentenced June 13 to two years in prison, Mrs. Fletcher said. A boy who had been slated to testify at the trial was also found dead of an overdose of pure heroin and the drug seller named by her son met a violent death.

"I can only guess that organized crime had a great deal to do with these three deaths," she said.

The mothers' testimony led off a three-day hearing of a House subcommittee on crime and drug abuse headed by Representative Claude Pepper (D–Fla.). Congressmen Charles Rangel (D–N.Y.), Morgan F. Murphy (D–Ill.), Frank J. Brasco (D–N.Y.), James R. Mann (D–S.C.), and William J. Keating (R–Ohio) also attended the first day's hearings.

Committee figures show more than 400 drug-related deaths in Dade County, Fla., in the past five years. Dr. Marvin Burt, a research analyst, estimated 7,000 to 12,000 heroin addicts lived in the county at the end of 1971, about 1 per cent of the total population of 1.2 million.

[From the St. Paul (Minn.) Dispatch, July 6, 1972]

MOTHERS TELL HOW HEROIN KILLS

MIAMI (UPI)—Three months before he died of an overdose of pure heroin, Michael Fletcher told his mother the name of the man he bought the narcotic from. She passed the name on to police.

The man was arrested, then released on bail. "My son was afraid he might be killed," Mrs. Fletcher said.

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Hers was only one of the stories the subcommittee heard.

Another woman, Mrs. Prescola Benaby, wife of a postal worker, said her 18-year-old heroin addict son locked himself in a room and strangled his 5-year-old sister while the mother pounded helplessly on the door.

"There he was strangling my little baby daughter and I couldn't get in," Mrs. Benaby said. "Where he is now, I tried and tried to get him there" before the strangling. The son is in a mental hospital.

Both mothers, and a third whose son also died of a heroin overdose, said their sons started on the drug path by smoking marijuana and progressed to heroin.

However, Harold Gibber, one of five school teachers involved in anti-drug programs who testified before the committee, said he thought the legalization of marijuana would lead to a sharp reduction in its use by schoolchildren.

Rep. Claude Pepper, D–Fla., heads the group of seven congressmen holding the hearing in an all-black junior high school in Miami's Liberty City, scene of rioting during the 1968 Republican National Convention at Miami Beach.

[From the Greenville (S.C.) News, July 6, 1972]

MARIJUANA LEADS TO CRIME, DEATH, 3 MOTHERS TESTIFY

Miami (UPI)—A postal worker's wife told congressmen Wednesday how her 18-year-old son, a heroin addict, locked himself in a room and strangled his 5-year-old sister while she pounded helplessly on the door.

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"There he was, strangling my little baby daughter and I couldn't get in," sobbed Mrs. Benaby.

She said her son is now in a mental hospital.

"Where he is at now, I tried and tried to get him there" before the tragedy, she said. "If I'd just had help, I believe it would have prevented the tragedy in my home."

Mrs. Shirley Fletcher said her 21-year-old son Michael died "of an overdose of pure, uncut heroin and two boys dumped his body in the Mt. Sinai Hospital parking lot by the bay."

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[From the Columbus (Ohio) Citizen Journal, July 6, 1972]

HOUSE PANEL TOLD HEROIN HEARTACHES

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She said her son is now in a mental hospital.

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A boy who had been slated to testify at the trial also was found dead of an overdose of pure heroin and the drug seller named by her son met a violent death.

"I can only guess that organized crime had a great deal to do with these three deaths," she said.

U.S. Rep. William J. Keating (R-Ohio) attended the first day's hearing.

[From the Orlando (Fla.) Star, July 5, 1972]

Pepper Takes Hearings Into Schools

Miami.—There will be no cozy wood-paneled hearing chamber.

Rep. Claude Pepper, D-Fla. today takes his U.S. House select committee on crime's investigation into drugs and children's abuse of them right into the Miami schools.

The first of three days of hearings began in school auditoriums and the committee chairman explained:

"Our hearings are designed to determine the extent to which drugs are being bought, sold and abused by children in our schools.

"More importantly however, the committee will inquire into the abject failure of our governmental institutions—especially our schools—to aggressively attack the problems and control the increase in narcotics abuse by school-age children."

Pepper told reporters Tuesday that the death earlier this year of a 14-year-old girl in Miami points up what he is talking about. He said the girl, Carolyn Ford, died of a drug overdose after being suspended from school.

He said this "demonstrates the bankruptcy of a school policy which provides for suspension of the drug user without any appropriate alternative reclamation program."

Other committee members at the hearings are Rep. Frank Brasco, D-N.Y.; Charles Rangel, D-N.Y.; James Mann, D-S.C., Morgan Murphy, D-Ill.; Charles Wiggins, R-Calif., and William Keating, R-Ohio.

Dade County (greater Miami) has about 240,000 students in the public schools and 20,000 employees, making it sixth largest in the country. Pepper said the condition is not "nearly as desperate" as in New York, but in his hometown of Miami "the drug abuse situation here is grave. We are in the midst of a serious drug epidemic in its ascent or preliminary stage."

[From the Atlanta (Ga.) Constitution, July 7, 1972]

80 Pct. of Classmates on Drugs—Teen

Miami.—Sally Pace, blonde, pretty and 16, told a congressional committee Thursday that 80 per cent of the students in one of south Florida's largest high schools are on drugs and steal to support their habits.

Sally, a former student at Fort Lauderdale's Plantation High, told the U.S. House Select Crime Committee headed by Florida Congressman Claude Pepper that most of her teachers would just let her sleep when she came to school stoned on drugs.

"If you wanted to get stoned at school," she said, "you went to the bathroom or to the parking lot."

Sally and other teen-agers now participating in "The Seed," a Fort Lauderdale drug rehabilitation program for school-age children, were witnesses in the second of three days of hearings on local high schools by Pepper's committee.

Asked by committee members for advice on combatting the school drug problem, the teen-agers said the only thing drug addicts will respond to is "peer pressure," that anti-drug programs need vast improvement, and that schools should have authority to force addicts into rehabilitation programs if parents won't.

Larry Pellegrini, who said he began smoking marijuana at the age of 13, told the congressmen he became addicted to heroin and finally turned to armed robbery to support his habit. He estimated he had committed more than 100 crimes.

Pelligrini, 18, said he had committed more than a dozen armed robberies and had been arrested at least six times on a variety of charges.

Libby MacDonald testified she and another Florida girl were sent to a 150-student New York boarding school and wound up turning nearly all their classmates to drugs.

"When I got there, there were only a couple of us on dope," Libby said. "Three of us turned on about everyone there during the one year I was there."

"Kids today won't listen to parents, teachers, police or anybody except their peers," said Miss MacDonald. "Peer pressure is the only thing that is going to take the kids off drugs.

"Churches aren't doing any good at all. They provide another recreation place where the kids can sell drugs and get stoned."

[From the San Diego (Calif.) Union, July 7, 1972]

VAST TEEN DRUG PROBLEM DESCRIBED AT CONGRESS QUIZ

MIAMI (UPI).—Sally Pace, 16, told a congressional committee yesterday 80 per cent of the students in one of south Florida's largest high schools are on drugs and steal to support their habits.

Miss Pace, a former student at Fort Lauderdale's Plantation High, told the U.S. House Select Crime Committee headed by Rep. Claude Pepper, D-Fla., that most of her teachers would just let her sleep when she came to school after using drugs.

"If you wanted to get stoned at school," she said, "you went to the bathroom or to the parking lot."

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ADVICE GIVEN

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CHURCHES FAIL

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Ann Ryser, 14, told the congressmen she started "stealing booze from the house when she was 11 and quickly progressed to marijuana, which she purchased at school. She later progressed through a long list of drugs and finally became addicted to heroin.

"I went to school many days stoned," she said. "I did crimes all the time. I would steal from stores like it was nothing.

"We stole cars, took them to the airport and stripped them all they had that we could sell to buy drugs," she testified.

[From the Miami (Fla.) News, July 7, 1972]

ADMINISTRATORS RAPPED ON DRUGS

Drug expert Dr. Ben Sheppard told a U.S. Select Committee on Crime today that administrators, not teachers, were part of the blame for failure to instill proper drug education programs in Dade County schools.

"If administrators aren't interested, you'll have poor situations everywhere." Dr. Sheppard, a member of the Dade County School Board, testified during the third day of a drug crisis hearing. The panel is headed by Rep. Claude Pepper (D-Fla.)

[From the Las Vegas (Nev.) Sun, July 5, 1972]

U.S. CRIME COMMITTEE ATTACKS DRUGS USE BY SCHOOL CHILDREN

MIAMI (UPI).—The Select Committee on Crime of the U.S. House opens the second in a series of hearings today into the problem of drugs in the schools and the "abject failure" of government to do anything about it.

"Most regretably, the policy of most school boards seems to be one of turning away from the problem by refusing to acknowledge the extent to which it exists at the local school level," said Chairman Claude Pepper, D-Fla., in a statement read to newsmen yesterday.

"During the course of our hearings the committee expects to hear evidence establishing that teachers are unable, or unwilling, to cope with students high on drugs," Pepper said.

The hearings will be held today through Friday at three local schools. Pepper said witnesses will include administrators, teachers, students and law enforcement officers.

Pepper said he was "very disappointed" that Dade County School Superintendent Edward Whigham and two of his top administrative assistants would not be in town for the hearings.

The committee's first hearings were held in New York and led to strong criticism of school administrators there.

"Our hearings are designed to determine the extent to which drugs are being bought, sold and abused by children in our schools," Pepper said.

"More importantly, however, the committee will inquire into the abject failure of our governmental institutions—especially our schools—to aggressively attack the problems and control the increase in narcotics abuse by school-age children," said Pepper.

[From the Philadelphia (Pa.) News, July 8, 1972]

TEEN ADDICTS CITE NEED FOR "PEER PRESSURE"

Miami (UPI)—Sally Pace, blonde, pretty and 16, told a congressional committee yesterday that 80% of the students in one of South Florida's largest high schools are on drugs and steal to support their habits.

Sally, a former student at Fort Lauderdale's Plantation High, told the U.S. House select crime committee headed by Rep. Claude Pepper (D., Fla.) that most of her teachers would just let her sleep when she came to school stoned on drugs.

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Pelligrini, 18, said he had committed more than a dozen armed robberies and had been arrested at least six times on a variety of charges.

[From the Charlotte (N.C.) Observer, July 7, 1972]

TEEN-AGERS TELL DRUG ADVENTURES

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Pelligrini, 18, said he had committed more than a dozen armed robberies and had been arrested at least six times on a variety of charges.

Libby MacDonald testified she and another Florida girl were sent to a 150-student New York boarding school and wound up turning nearly all their classmates to drugs.

"When I got there, there were only a couple of us on dope," Libby said. "Three of us turned on about everyone there during the one year I was there."

"Kids today won't listen to parents, teachers, police or anybody except their peers," said Miss MacDonald. "Peer pressure is the only thing that is going to take the kids off drugs.

"Churches aren't doing any good at all. They provide another recreation place where the kids can sell drugs and get stoned."

[From the Cheyenne (Wyo.) Tribune, July 6, 1972]

MOTHERS TELL HORROR STORIES OF DRUG USE

Miami (UPI)—Three months before he died of an overdose of pure heroin, Michael Fletcher told his mother the name of the man he bought the narcotic from. She passed the name on to police.

The man was arrested, and released on bail. "My son was afraid he might be killed," Mrs. Fletcher said.

He was killed, by heroin, "and two boys dumped his body in the Mt. Sinai Hospital parking lot by the bay," she testified Wednesday during the first day of three days of hearings by the House subcommittee on crime and drug abuse which is examining drug use in schools.

Today, teen-agers were called to testify.

The boys who dumped Michael's body pleaded guilty to first degree murder June 18 and were sentenced to two years in prison. A third boy who was to testify at the trial died of a drug overdose, Mrs. Fletcher said.

The peddler met a violent death.

"I can only guess that organized crime had a great deal to do with these three deaths," she said.

Hers was only one of the stories the subcommittee heard during the day.

Another woman, Mrs. Prescola Benaby, wife of a postal worker, said her 18-year-old heroin addict son locked himself in a room and strangled his 5-year-old sister while the mother pounded helplessly on the door.

There he was strangling my little baby daughter and I couldn't get in," Mrs. Benaby said. "Where he is at now, I tried and tried to get him there" before the strangling. The son is in a mental hospital.

Both mothers, and a third whose son also died of a heroin overdose, said their sons started on the drug path by smoking marijuana, and progressed to heroin.

However, Harold Gibber, one of five school teachers involved in anti-drug programs who testified before the committee, said he thought the legalization of marijuana would lead to a sharp reduction in its use by school children.

Rep. Claude Pepper, D-Fla. heads the group of seven congressmen holding the hearing in an all-black junior high school in Miami's Liberty City, scene of rioting during the 1968 Republican National Convention at Miami Beach.

[From the Miami (Fla.) News, July 1, 1972]

BLACKS SEEK HALF-WAY HOUSE FUNDS

(By Rick Abrams)

A black civic committee official will ask the Miami City Commission tomorrow for funds to establish a half-way house for drug addicts and alcoholics in the black community.

The housing, said Jonathan Rolle, 34, of 345 NW 13th St., "would complement a methadone drug treatment clinic being established in the old Ritz Theater, at 925 NW 2nd Ave."

Rolle is president of Black Cross Committee, a nonprofit organization dedicated, he said, to help fight drug addiction and crime in the downtown area.

Since Oct. 1971, Rolle and his organization have petitioned city and state officials for the drug rehabilitation programs in the area. Partially through their efforts, two weeks ago Rep. Claude Pepper (D-Fla.) helped obtain $221,857 to establish a drug clinic downtown. And Wometco Enterprises donated the Ritz Theater, at $1 per year rent.

Dr. Tom Carroll, head of the Jackson Memorial Hospital comprehensive drug center, will coordinate the rehabilitation program at the theater.

"But meanwhile," Rolle said, "we will need living quarters. With housing, addicts could come in cold turkey, and be able to preoccupy themselves with the clinic's surroundings instead of being approached by pushers on the streets."

Rolle said addicts come to him "night and day asking for help. The area," he said, "is plagued with addicts, pushers and alcoholics.

"The pushers keep feeding the addicts the $10 bag (heroin) and the alcoholics are laying all over the street.

"Beds for the addicts and alcoholics would be a major factor in keeping them away from a bad environment. Somebody has to step forward to help these people," he said.

[From the Jacksonville (Fla.) Journal, July 14, 1972]

DRUGS ARE NOT "IN"

A survey of Dade County school officials bears out two points made on this page a few days ago:

That drug use among the young, while serious and apparently growing, is not as widespread as it has sometimes been reported: and, second, that to exaggerate its extent may be inadvertently to contribute to the problem.

We raised these points after several youthful witnesses who appeared before U.S. Rep. Claude Pepper's Select Crime Committee had testified that the use of drugs in Dade high schools was very nearly universal.

One of these students told the committee that 80 per cent of her fellow students used drugs. Another said that in the several schools she had attended she had known "only three or four kids" who did not take drugs.

Relying on results of a student survey taken in Jacksonville schools, we suggested that these figures might be an unintentional exaggeration.

The Jacksonville scurvey showed that under one-third of students had experimented with the most common illicit drug, marijuana, and that only a small proportion of these were frequent users. Only small fractions had used the so-called "hard" drugs.

Dade County School Board now has released results of a year-long survey conducted among teachers, administrators and counselors in that county's schools. The report shows htat the actual number of drug users in the Miami area's junior and senior high schools is perhaps one in 10.

Little comfort may be derived even from this figure, of course. But the problem is reduced to its proper proportions.

It is important that this be done for a reason we previously suggested and which also was borne out by the report.

Peer-group pressures, those surveyed reported, are the second most common reason that students become habitual drug users. (The most important reason was family problems.)

The pressure becomes greater, therefore, when students are led to believe that most other students are using drugs and that they will be "different" if they do not.

They should be told the truth instead: That it is the drug user who is "different": that by far the greater majority of their age group does not use drugs and has no interest in doing so.

The results might be startling if it became the "in thing" to be straight.

[From the Indianapolis (Ind.) News, July 7, 1972]

FATHERS LEARN "REAL" DRUG STORY

Miami (UPI)—"I thought I was the top expert on drugs in Miami, then I found out my 15-year-old daughter was hooked on cocaine," former U.S. Commissioner Edward Swan told a congressional committee.

"I handled all kinds of drug cases, from Customs, the FBI and other agencies. I knew it all," he said.

"But I've been re-educated in the last 90 days. I knew just this much." He held up his thumb and forefinger spaced close together.

Until the Justice Department replaced the U.S. commissioners with Federal magistrates about a year ago, Swan was one of many attorneys who held arraignments or set bonds on Federal offenses, including many drug cases. He maintains his private law practice.

Swan, father of six children, testified yesterday before Rep. Claude Pepper's House Committee on Crime. Pepper, a Florida Democrat, and four other congressmen today ended three days of hearings in the Miami area on the problems of drug abuse among school-age children.

Another father, Dr. E. "Jack" Taylor, vice-president of student affairs at Fort Lauderdale University, described how his 19-years-old daughter was rehabilitated after three years as a heroin addict.

"I wasn't a bad parent," said Taylor as Swan nodded agreement. Their daughters, they said, started with marijuana under pressure to stay in step with their school friends.

When no other treatments or consultations worked, both forced their children to enroll in "The Seed," a project in Fort Lauderdale aimed at rehabilitating school-age children hooked on drugs.

"When I put Kathy in the program, she was 15 and had been using drugs two years," Swan said. "She screamed for her lawyer.

"After two weeks, when we attended one of the meetings, she still tried to con us, whispering, 'Take me home.' Her mother and I just smiled and whispered back, 'We love you.' The experience will tear your heart out."

Four teen-age "graduates" of The Seed and its director, Art Barker, testified that 75 to 80 per cent of junior and senior high students in both public and private schools are using some sort of drugs.

The Seed program teaches the youths 9 to 20 years old to love and respect themselves, their country and their parents and to be honest with everyone, the testimony brought out.

For Swan and Taylor, there are happy endings. Both daughters, they said, no longer use drugs and the families have gained new awareness, attitudes and knowledge about each other.

[From the Nashville (Tenn.) Banner, July 7, 1972]

DRUG EXPERT ADMITS KIN KNEW MORE

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The hearings end today.

Another father, Dr. E. Jack Taylor, vice president of student affairs at Fort Lauderdale University, described how his 19-year-old daughter was rehabilitated after three years as a heroin addict.

WASN'T BAD PARENT

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[From the Philadelphia (Pa.) Inquirer, July 8, 1972]

Daughter's Habit Educated "Expert"

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[From the Detroit (Mich.) Free Press, July 8, 1972]

School Drug Epidemic Seen

Miami—(UPI)—A physician member of the Dade County School Board testified Friday that drug abuse in schools could be compared with a smallpox epidemic.

Dr. Ben Sheppard, recognized as the Miami area's leading narcotics fighter, said drug abuse is a growing menace in the schools and not enough is being done about it.

Sheppard said, however, that he could not agree with testimony during the first two days of a hearing of House Select Committee on Crime that an estimated 75 to 80 percent of high school students are drug users.

"We still have a sizable hard core of 'square students' here," Sheppard said. "My own estimates are 50 to 60 percent of the junior and senior high students have used drugs."

Sheppard has treated drug abuse for more than 10 years and heads a methadone clinic which he founded to treat heroin addicts. He was particularly outspoken against proposals to legalize the use of marijuana.

"If you read the medical journals instead of the newspapers," he said, "you'll find the pathology against marijuana getting stronger and stronger."

He said medical reports show brain wave abnormalities and strong effects on blood sugar. A diabetic could go into a coma from using marijuana, he said.

"The kids tell me they get the 'gluts and munchies' after a marijuana binge," he said, explaining they have sudden cravings for food and sweet drinks to build back the lost blood sugar.

That's why you see the hamburger and Coke stands crowded with kids on weekends," Sheppard said.

[From the Indianapolis (Ind.) Star, July 6, 1972]

SCHOOL DRUG ABUSE 'LIKE AN EPIDEMIC'

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"That's why you see the hamburger and Coke stands crowded with kids on weekends," Sheppard said.

"Nowadays the cheap wines sold in grocery and convenience stores are almost as bad as a problem as marijuana," he said. "The kids drink a bottle of cheap wine and smoke a little marijuana and they're off flying."

But Sheppard said that the illegality of marijuana causes the school children to use it.

"It is part of their protest against authority," he said. "This is the 'I hate my parents' decade.'"

[From the Miami (Fla.) News, July 7, 1972]

TEENS PRAISE SEED BEFORE HOUSE PANEL HERE

By Rick Abrams

Four teenagers testified before a congressional crime committee here yesterday that most young people are introduced to drugs at school.

"I used to buy most of my drugs at school," said a 19-year-old girl, who is now in a drug rehabilitation program. She told congressmen she forged checks to support her heroin addiction.

The testimony was before the House Select Committee on Crime, chaired by Rep. Claude Pepper (D-Fla.), in the second of a series of hearings on drug use in Dade County schools.

The 19-year-old girl told the panel she bought most of the drugs she used at the private school she attended. Other ex-drug users said most of their fellow students used drugs.

"I could get anything from pot to cocaine in school, no sweat," said one of the teenagers.

The four praised the rehabilitation program they attend in Broward County. The program is called The Seed. They said other programs failed to help them.

"I was hostile. I wouldn't talk to anybody when I first came in, but after awhile I realized the other kids were honest, and they want to help me out," one youth said.

An audience of more than 250 clapped when one young ex-addict told the committee, "Peer pressure is the thing that gets kids on drugs, and peer pressure is the only thing that can get kids off drugs."

Another said, "You can see the difference in our eyes. They sparkle now—the hard look is gone."

Pepper told the four, "Programs like The Seed are the hope for the complex problem of drug addiction.

"We hope to be able to demand federal legislation which would provide for programs similar to The Seed throughout the United States.'"

The audience clapped several times as the youths told of the changes they have experienced since becoming involved in The Seed.

The program, explained Art Barker, its originator, has attracted numbers of doctors and psychologists who want to know what technique he uses.

"The techniques are so simple that people overlook them. We teach young people to be honest, to respect themselves, and to love God and each other.

The Seed program is in two parts—a 14-day initial "rap session" lasting from 10 a.m. to 10 p.m., and a 3½ month check-up program. It has graduated more than 1,800, Barker said.

[From the St. Petersburg (Fla.) Independent, July 7, 1972]

Kids Testify Drug Use in Schools Widespread

Miami (AP)—A 14-year-old girl testified yesterday that "75 to 80 percent of the kids did drugs" at her Miami school and added "There wasn't a day I went without being stoned"

The girl was one of four young persons appearing during the second day of hearings by the House Select Committtee on Crime headed by Rep. Claude D. Pepper, D-Fla.

All said they are participating in SEED, a drug-rehabilitation program in Broward County, and are nonusers now.

The girl said she became hooked on drugs when she was 11, and that at age 13 she was stealing cars to support her habit.

"I'd take them to the airport. A group of people would strip them and pay me. I'd take the money and buy drugs."

She said she obtained the drugs at school, and had used heroin, pot, LSD, mescaline, hashish—"just about everything you could use."

One of the other witnesses, a young man, told the committee he robbed more than 100 superette food stores to pay for his drugs. On one of the holdups, he said he picked up more than $700.

The teen-ager said he regularly used drugs in school adding that few teachers made any attempt to control drug abuse in the classroom.

"The teachers are afraid to say anything, because the parents don't want to hear that their kids are on drugs," he said.

Another 18-year-old girl told the committee, "You've got to start cracking down on the schools and make the teachers stand up and do what's right.

"Unless something is done," she said, "in five years there won't be any younger generation left—they'll all be dead or in jail."

Other witnesses said that school principals thwarted teachers' attempts to control drug abuse by limiting their displinary powers.

School administrators were to testify before the panel today.

At the conclusion of the second day of hearings, Pepper said he didn't "want to pass judgment on the school and authorities" before they were given a chance to appear.

But he did say it's pretty clear from what these people have said that adequate recognition has not been given to the problem.

"I'm not blaming the schools for not doing what they don't have the money to do," he said. "But they should be crying on our shoulder about the problem. They should identify the scope of the problem and then go to the Legislature and Congress for funds."

The committee held similar hearings on drug abuse in New York City schools last week.

[From the State Times, July 6, 1972]

MOM TELLS OF DEATH AFTER BOY INFORMED

(By Frank Eidge)

MIAMI (UPI)—Three months before he died of an overdose of pure heroin, Michael Fletcher told his mother the name of the man he bought the narcotic from. She passed the name on to police.

The man was arrested, and released on bail. "My son was afraid he might be killed," Mrs. Fletcher said.

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IN MENTAL HOSPITAL

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Rep. Claude Pepper, D-Fla. heads the group of seven congressmen holding the hearing in an all-black junior high school in Miami's Liberty City, scene of rioting during the 1963 Republican National Convention at Miami Beach.

[From the Long Beach (Calif.) Press-Telegram, July 6, 1972]

A SECRET AGENT ON NARCOTICS

Washington (AP)—A narcotics undercover policewoman has told a congressional committee that New York City school officials generally cooperated very little with agents who infiltrate school groups to ferret out drug pushers.

Detective Kathleen Conlon, in drug undercover work for over three years, also told of flagrant use of drugs among students in New York City.

She allowed photographs to be taken only while she wore a white hood but she removed it while she gave her testimony before the House Elect Committee on Crime. She also had a revolver in the top of her skirt.

A committee counsel said Mrs. Conlon's hair color and other facial features had been changed to prevent recognition which might hinder her undercover duties.

In general she described how she enrolled at several schools as a student and made purchase of hard drugs, barbiturates and "acid" or LSD.

She said she observed students "nodding off" in the back of classrooms after using drugs and saw girls in locker rooms injecting heroin into private parts of their bodies. She said stashes of heroin were kept in lockers by students.

Mrs. Conlon said for the most part police did not receive much cooperation from school officials.

Students from John Bowne High School in Flushing would go to nearby Queens College to obtain drugs, but college administrators refused to assist police undercover agents in apprehending the pushers, she said.

She told of rampant use of drugs at John Bowne, Charles Evans, St. Anthony of Padua, Springfield Gardens, Bayside High School, Port Richmond, Forest Hills, Grace Dodge, Fort Hamilton, P.S. 189 in the Queens, and Francis Lewis schools.

She said teachers generally did not discourage the use of drugs and often they were too scared to confront students who were pushing or using drugs.

"Schools are like a haven to pushers," she said. "It's a big business. It's easier to get at the purchaser and pushers can make money in a short period of time."

[From the Tallahassee (Fla.) Democrat, July 7, 1972]

EVERYDAY SHE GOT STONED

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[From the Washington (D.C.) Post, July 12, 1972]

11,000 PUPILS ON DRUGS, SAYS MIAMI REPORT

Miami, July 11 (UPI)—A year-long survey of teachers, administrators and counselors indicates about 11,000 of Dade County's 110,000 junior and senior high school students are hooked on drugs.

The survey, although completed in April, was not released until today, several days after a congressional hearing here into the use of narcotics by school-aged children.

Conducted by the Dade County School Board, it concluded that drug abuse in Miami area schools "is a widespread problem that is growing worse."

A similar conclusion was reached last week by dozens of witnesses—young former addicts, parents of addicts and drug experts—who testified during a three-day drug abuse hearing conducted by Rep. Claude Pepper (D-Fla.).

[From the Washington (D.C.) Star, July 11, 1972]

CIA 'PARANOID' ON DRUG TRAFFIC, RANGEL CHARGES

Rep. Charles B. Rangel, D-N.Y. said a "paranoid quest for secrecy" in the Central Intelligence Agency is keeping information about drug traffic in Southeast Asia from the American public.

Rangel, a member of the House Select Committee on Crime, said yesterday the CIA has consistently refused his request for information on opium and heroin trafficking in the area, although some are already public knowledge or are available from other agencies.

"This bureaucratic bungling and paranoid quest for secrecy on the part of the Central Intelligence Agency has prevented Congress from effectively determining which of our so-called 'allies' are profiteering in heroin," he said in a statement.

Rangel said nine reports he has unsuccessfully sought from the CIA name individuals, tribes, government officers and places involved in heroin trafficking in Southeast Asia.

[From the Tulsa (Okla.) Tribune, July 7, 1972]

AN ADDICT 'EDUCATED' HER FATHER

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[From the Orlando (Fla.) Sentinel, July 7, 1972]

GIRL TESTIFIES 80 PER CENT IN SCHOOL ON DOPE

Miami (UPI)—Sally Pace, blonde, pretty and 16, told a congressional committee Thursday that 80 per cent of the students in one of south Florida's largest high schools are on drugs and steal to support their habits.

Sally, a former student at Fort Lauderdale's Plantation High, told the U.S. House Select Crime Committee headed by Rep. Claude Pepper, D-Miami, that most of her teachers would just let her sleep when she came to school stoned on drugs.

"If you wanted to get stoned at school," she said, "you went to the bathroom or to the parking lot."

Sally and other teen-agers now participating in "The Seed," a Fort Lauderdale drug rehabilitation program for school-age children, were witnesses in the second of three days of hearings on local high schools by Pepper's committee.

Asked by committee members for advice on combatting the school drug problem, the teen-agers said the only thing drug addicts will respond to is "peer pressure," that antidrug programs need vast improvement, and schools should have authority to force addicts into rehabilitation programs if parents won't.

Larry Pellegrini, who said he began smoking marijuana at the age of 13, said he became addicted to heroin and finally turned to armed robbery to support his habit. He estimated he had committed more than 100 crimes.

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"When I got there, there were only a couple of us on dope," Libby said. "Three of us turned on about everyone there during the one year I was there.

"Kids today won't listen to parents, teachers, police or anybody except their peers," said Miss MacDonald. "Peer pressure is the only thing that is going to take the kids off drugs.

"Churches aren't doing any good at all. They provide another recreation place where the kids can sell drugs and get stoned."

[From the Tulsa (Okla.) World, July 7, 1972]

TEEN-AGER SAYS 80 PER CENT OF STUDENTS ON DRUGS

Miami, Fla., (UPI)—Sally Pace, 16, told a congressional committee Thursday that 80 per cent of the students in one of south Florida's largest high schools are on drugs and steal to support their habits.

Sally, a former student at Fort Lauderdale's Plantation High, told the U.S. House Select Crime Committee headed by Florida congressman Claude Pepper that most of her teachers would just let her sleep when she came to school stoned on drugs.

"If you wanted to get stoned at school," she said, "you went to the bathroom or to the parking lot."

Sally and other teen-agers now participating in "The Seed," a Fort Lauderdale drug rehabilitation program for school-age children, were witnesses in the second of three days of hearings on local high schools by Pepper's committee.

Asked by committee members for advice on combatting the school drug problem, the teen-agers said the only thing drug addicts will respond to is "peer pressure," that antidrug programs need vast improvement, and that schools should have authority to force addicts into rehabilitation programs if parents won't.

Larry Pellegrini, who said he began smoking marijuana at the age of 13, told the congressmen he became addicted to heroin and finally turned to armed robbery to support his habit. He estimated he had committed more than 100 crimes.

Pelligrini, 18, said he had committed more than a dozen armed robberies and had been arrested at least six times on a variety of charges.

Libby MacDonald testified she and another Florida girl were sent to a 150-student New York boarding school and wound up turning nearly all their classmates to drugs.

"When I got there, there were only a couple of us on dope," Libby said. "Three of us turned on about everyone there during the one year I was there."

"Kids today won't listen to parents, teachers, police or anybody except their peers," said Miss MacDonald. "Peer pressure is the only thing that is going to take the kids off drugs.

"Churches aren't doing any good at all. They provide another recreation place where the kids can sell drugs and get stoned."

[From the Birmingham (Ala.) Post-Herald, July 7, 1972]

80% OF SCHOOL ON DRUGS—WITNESS

Miami—Sally Pace, blonde, pretty and 16, told a congressional committee Thursday that 80 per cent of the students in one of south Florida's largest high schools are on drugs and steal to support their habits.

Sally, a former student at Fort Lauderdale's Plantation High, told the U.S. House Select Crime Committee headed by Florida Congressman Claude Pepper that most of her teachers would just let her sleep when she came to school stoned on drugs.

"If you wanted to get stoned at school," she said, "You went to the bathroom or to the parking lot."

Sally and other teen-agers now participating in "The Seed," a Fort Lauderdale drug rehabilitation program for school-age children were witnesses in the second of three days of hearings on local high schools by Pepper's committee.

[From the Harrisburg (Pa.) News, July 6, 1972]

MOTHERS TELL HOUSE PANEL MARIJUANA LED THEIR SONS DOWN ROAD TO CRIME, DEATH

Miami (UPI)—A postal worker's wife told congressmen yesterday how her 18-year-old son, a heroin addict, locked himself in a room and strangled his five-year-old sister while she pounded helplessly on the door.

Another told of her son's death after he named the peddler who sold him heroin and said she thought it had been ordered by a crime syndicate.

The testimony led to a three-day hearing of a House subcommittee on crime and drug abuse investigating drug use in schools. All the women testifying said their children were put on the road to crime and death by marijuana they bought at school.

Mrs. Prescola Benaby testified that her son, Alvin, started using marijuana when he was 16 in junior high school. By the time he was 18, last year, he was hooked on heroin. He locked himself in a room and strangled his sister, Beverly.

"There he was, strangling my little baby daughter and I couldn't get in," sobbed Mrs. Benaby.

She said her son is now in a mental hospital.

"Where he is at now, I tried and tried to get him there before the tragedy," she said. "If I'd just had help, I believe it would have prevented the tragedy in my home."

Mrs. Shirley Fletcher said her 21-year-old son, Michael, died "of an overdose of pure, uncut heroin and two boys dumped his body in the Mt. Sinai Hospital parking lot by the bay."

Only three months before, she said, Michael had told her the name of the man supplying him heroin. She reported the man to police. He was arrested and released on bail.

"My son was afraid he might be killed," she said.

Eight days before his death, she said he had kicked the drug habit and had gained 20 pounds.

The two youths who dumped his body pleaded guilty at their trial a year later to third-degree murder and were sentenced June 18 to two years in prison, Mrs. Fletcher said. A boy who had been slated to testify at the trial was also found dead of an overdose of pure heroin and the drug seller named by her son met a violent death.

"I can only guess that organized crime had a great deal to do with these three deaths," she said.

The mothers' testimony led off a three-day hearing of a House subcommittee on crime and drug abuse headed by Rep. Claude Pepper, D-Fla., Rep. Charles Rangel D-N.Y., Morgan F. Murphy D-Ill., Frank J. Brasco D-N.Y., James R. Mann D-S.C., and William J. Keating R-Ohio, attended the first day's hearings.

Committee figures show more than 400 drug-related deaths in Dade County, Fla., in the last five years.

[From the Los Angeles (Calif.) Times, July 6, 1972]

Mothers Tell House Group of Drug Deaths

Miami (UPI)—A postal worker's wife told Congressmen Wednesday how her 18-year-old son, a heroin addict, locked himself in a room and strangled his 5-year-old sister while she pounded helplessly on the door.

Another told of her son's death after he named the peddler who sold him heroin and said she thought the death had been ordered by a crime syndicate.

The testimony led off a three-day hearing of a House subcommittee on crime and drug abuse in schools. All the women testifying Wednesday said that their children were put on the road to crime and death by marijuana they bought at school.

Mrs. Prescola Benaby testified that her son Alvin started using marijuana when he was 16 in junior high school. By the time he was 18, last year, he was hooked on heroin. He locked himself in a room and strangled his sister Beverly.

"There he was, strangling my little baby daughter and I couldn't get in," Mrs. Benaby sobbed.

She said her son was now in a mental hospital.

Mrs. Shirley Fletcher said her 21-year-old son, Michael died "of an overdose of pure, uncut heroin and two boys dumped his body in the Mt. Sinai Hospital parking lot by the bay."

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"I can only guess that organized crime had a great deal to do with these three deaths," she said.

[From the Chicago (Ill.) Tribune, July 6, 1972]

Mothers Recount Drug Deaths

Miami, July 5 (UPI)—Three mothers told the House Select Committee on Crime today how they lost their children to drugs. One of them indicated her boy's death may have been ordered by organized crime.

Mrs. Prescola Benaby, the wife of a postal worker, was the leadoff witness at the opening of three days of hearings by the congressional committee in Miami area schools. She told how her 18-year-old son strangled her 5-year-old daughter while the boy was suffering the effects of taking heroin.

TRIED TO KICK HABIT

"If I'd had help, I believe it would have prevented the tragedy in my home," Mrs. Benaby said. She said the boy "tried very hard" to kick his drug habit.

The woman was in tears part of the time as she told the committee how her son locked himself in his room and strangled "my baby."

Two other mothers, Mrs. June Mock and Mrs. Shirley Fletcher, also told the committee of losing sons to drugs, in both cases from overdoses.

LEADS TO CONVICTION

Mrs. Fletcher said her son's death led to three other deaths and the conviction of two youths on charges of third degree murder. Without elaborating, she indicated her son's death and maybe two of the other deaths had been ordered by organized crime elements because her son had revealed the identity of the person who sold him the drugs.

Pepper said in a statement preceding the hearings that "our hearings are designed to determine the extent to which drugs are being bought, sold, and abused by children in our schools."

[From the Long Beach (Calif.) Press-Telegram, July 6, 1972]

MOTHERS TELL OF MURDER, OVERDOSES

Miami (UPI)—A postal worker's wife told congressmen Wednesday how her 18-year-old son, a heroin addict, locked himself in a room and strangled his 5-year-old sister while she pounded helplessly on the door.

Another told of her son's death after he named the peddler who sold him heroin and said she thought it had been ordered by a crime syndicate.

The testimony led off a three-day hearing of a House subcommittee on crime and drug abuse investigating drug use in schools. All the women testifying Wednesday said their children were put on the road to crime and death by marijuana they bought at school.

Mrs. Prescola Benaby testified that her son Alvin started using marijuana when he was 16 in junior high school. By the time he was 18, last year, he was hooked on heroin. He locked himself in a room and strangled his sister Beverly.

"There he was, strangling my little baby daughter, and I couldn't get in," sobbed Mrs. Benaby.

She said her son is now in a mental hospital.

"Where he is at now, I tried and tried to get him there" before the tragedy, she said. "If I'd just had help, I believe it would have prevented the tragedy in my home."

Mrs. Shirley Fletcher said her 21-year-old son Michael died "of an overdose of pure, uncut heroin and two boys dumped his body in the Mt. Sinai Hospital parking lot by the bay."

Only three months before, she said, Michael had told her the name of the man supplying him heroin. She reported the man to police. He was arrested and released on bail.

"My son was afraid he might be killed," she said.

Eight days before his death, she said, he had kicked the drug habit and had gained 20 pounds.

The two youths who dumped his body pleaded guilty at their trial a year later to third-degree murder and were sentenced June 18 to two years in prison, Mrs. Fletcher said. A boy who had been slated to testify at the trial was also found dead of an overdose of pure heroin and the drug seller named by her son met a violent death.

"I can only guess that organized crime had a great deal to do with these three deaths," she said.

The mothers' testimony led off the three-day hearing before the House subcommittee headed by Rep. Claude Pepper, D-Fla. Congressmen Charles Rangel, D-N.Y., Morgan F. Murphy, D-Ill., Frank J. Brasco, D-N.Y., James R. Mann, D-S.C., and William J. Keating, R-Ohio, attended the first day's hearings.

[From the Worcester (Mass.) Telegram, July 6, 1972]

HEARING AIRS DRUG-CRIME TRAGEDIES

Miami (UPI)—A postal worker's wife told congressmen yesterday how her 18-year-old son, a heroin addict, locked himself in a room and strangled his 5-year-old sister while she pounded helplessly on the door.

Another told of her son's death after he named the peddler who sold him heroin and said she thought her son's death had been ordered by a crime syndicate.

The testimony led off a three-day hearing of a House Subcommittee on Crime and Drug Abuse investigating drug use in schools. All the women testifying yesterday said their children were put on the road to crime and death by marijuana they bought at school.

STARTED AT 16

Mrs. Prescola Benaby testified that her son Alvin started using marijuana when he was 16 in junior high school. By the time he was 18, last year, he was hooked on heroin. He locked himself in a room and strangled his sister Beverly.

"There he was, strangling my little baby daughter and I couldn't get in," sobbed Mrs. Benaby.

She said her son is now in a mental hospital.

"Where he is at now, I tried and tried to get him there" before the tragedy, she said. "If I'd just had help, I believe it would have prevented the tragedy in my home."

Mrs. Shirley Fletcher said her 21-year-old son Michael died "of an overdose of pure, uncut heroin and two boys dumped his body in the Mt. Sinai Hospital parking lot by the bay."

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KICKED THE HABIT

Eight days before his death, she said he had kicked the drug habit and had gained 20 pounds.

The two youths who dumped his body pleaded guilty at their trial a year later to third-degree murder and were sentenced June 18 to two years in prison. Mrs. Fletcher said. A boy who had been slated to testify at the trial was also found dead of an overdose of pure heroin and the drug seller named by her son met a violent death.

"I can only guess that organized crime had a great deal to do with these three deaths," she said.

The mother's testimony led off a three-day hearing of a House subcommittee on crime and drug abuse headed by Rep. Claude Pepper (D.-Fla.). Congressman Charles Rangel (D.-N.Y.), Morgan F. Murphy, (D.-Ill.), Frank J. Brasco (D.-N.Y.), James R. Mann (D.-S.C.) and William J. Keating (R.-Ohio) attended the first day's hearings.

Committee figures show more than 400 drug-related deaths in Dade County, Fla., in the past five years. Dr. Marvin Burt, a research analyst, estimated 7,000 to 12,000 heroin addicts lived in the country at the end of 1971, about 1 per cent of the total population of 1.2 million.

[From the Wilmington (Del.) Journal, July 6, 1972]

PUSHER FINGERED BEFORE ADDICT DIED

MIAMI (UPI).—Three months before he died of an overdose of pure heroin Michael Fletcher told his mother the name of the man he bought the narcotic from. She passed the name on to police.

The man was arrested, and released on bail. "My son was afraid he might be killed," Mrs. Fletcher said.

He was killed, by heroin, "and two boys dumped his body in the Mt. Sinai Hospital parking lot by the bay," she testified yesterday during the first day of three days of hearings by the House subcommittee on crime and drug abuse which is examining drug use in schools.

Today, teen-agers were called to testify.

The boys who dumped Michael's body pleaded guilty to first-degree murder June 18 and were sentenced to two years in prison. A third boy who was to testify at the trial died of a drug overdose, Mrs. Fletcher said.

The peddler met a violent death.

"I can only guess that organized crime had a great deal to do with these three deaths," she said.

Hers was only one of the stories the subcommittee heard during the day.

Another woman, Mrs. Prescola Benaby, wife of a postal worker, said her 18-year-old heroin addict son locked himself in a room and strangled his 5-year-old sister while the mother pounded helplessly on the door.

"There he was strangling my little baby daughter and I couldn't get in," Mrs. Benaby said. "Where he is at now, I tried and tried to get him there" before the strangling. The son is in a mental hospital.

Both mothers, and a third whose son also died of a heroin overdose, said their sons started on the drug path by smoking marijuana, and progressed to heroin.

Rep. Clarence Pepper, D.-Fla., heads the group of seven congressmen holding the hearings in an all-black junior high school in Miami's Liberty City, scene of rioting during the 1963 Republican National Convention at Miami Beach.

[From the Cleveland (Ohio) Press, July 5, 1972]

MOTHER SAYS HEROIN CAUSED SON TO KILL

MIAMI.—Three mothers told the U.S. House Select Committee on Crime today how they lost their children to drugs. One indicated her boy's death may have been ordered by organized crime.

Mrs. Prescola Benaby, the wife of a postal worker, was the leadoff witness at the opening of three days of hearings by the committee in Miami area schools.

She told how her 18-year-old son strangled her five-year-old daughter while he was suffering the effects of taking heroin.

"If I'd just had help, I believe it would have prevented the tragedy in my home," Mrs. Benaby said. She said the boy "tried very hard" to kick his drug habit.

The woman was in tears part of the time as she told the committee how her son locked himself in his room and strangled "my baby."

Two other mothers, Mr. June Mock and Mrs. Shirley Fletcher, also told the committee of losing sons to drugs, in both cases from overdoses.

Mrs. Fletcher said her son's death led to three other deaths and the conviction of two youths on charges of third-degree murder. Without elaborating, she indicated her son's death and maybe two of the other deaths had been ordered by organized crime elements because her son had revealed the identity of the person who sold him the drugs.

Cong. Claude Pepper (D-Fla.), the committee chairman, said the hearings "are designed to determine the extent to which drugs are being bought, sold and abused by children in our schools."

[From the Little Rock (Ark.) Gazette, July 5, 1972]

PANEL TO PROBE DRUGS IN SCHOOLS; PEPPER HITS "FAILURE" OF U.S. ACTION

Miami (UPI)—The House Select Committee on crime opens the second in a series of hearings today on drugs in the schools and the "abject failure" of government to do anything about it.

"Most regrettably, the policy of most school boards seems to be one of turning away from the problem by refusing to acknowledge the extent to which it exists at the local school level." Chairman Claude Pepper (Dem., Fla.) said Tuesday.

"During the course of our hearings the Committee expects to hear evidence establishing that teachers are unable, or unwilling, to cope with students high on drugs," Pepper said.

The hearings will be today through Friday at three Miami schools. Pepper said witnesses would include administrators, teachers, students and law enforcement officers.

Pepper said he was "very disappointed" that Dade County School Superintendent Edward Whigham and two of his administrative assistants would not be in town for the hearings.

The committee's first hearings were held in New York and led to criticism of school administrators there.

"Our hearings are designed to determine the extent to which drugs are being bought, sold and abused by children in our schools," Pepper said.

"More importantly, however, the Committee will inquire into the abject failure of our governmental institutions—especially our schools—to aggressively attack the problems and control the increase in narcotics abuse by school-age children," Pepper said.

He said the Committee had found that some cities have no policy or program for containing drug abuse and that in many cases drug education programs are "the cause rather than the cure of additional drug abuse."

Pepper cited a recent national survey which showed that 6 per cent—about 1.5 million—of the country's high school students had used heroin. He said that "12-year-olds are experimenting here in Miami with heroin which they can buy in the school yard.

"Although the condition in Miami is not nearly as desperate as New York, the drug abuse situation here is grave. We are in the midst of a serious drug epidemic in its nascent or preliminary stage," Pepper said.

He said that more than half of the $58 million in property stolen in Dade

County each year could be attributed to thefts by drug addicts, and that in the last five years more than 450 persons, had died of drug overdose or drug-elected causes in the Miami area.

[From the Norfolk (Va.) Pilot, July 5, 1972]

APATHY OF ADULTS ON DRUGS

MIAMI.—The Select Committee on Crime of the U.S. House opens the second in a series of hearings today into the problem of drugs in the schools and the "abject failure" of government to do anything about it.

"Most regrettably, the policy of most school boards seems to be one of turning away from the problem by refusing to acknowledge the extent to which it exists at the local school level," said Chairman Claude Pepper, D-Fla., in a statement read to newsmen Tuesday.

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He said that the committee had found so far that some cities have no policy or program for containing drug abuse and that in many cases drug education programs are "the cause rather than the cure of additional drug abuse."

[From the Miami (Fla.) Herald, July 4, 1972]

DRUG WAR GETS BOOST OF $443,557

The Dade County war on drugs received a boost of nearly a million dollars Monday.

Twin grants totalling $443,557 were awarded Concept House, a drug rehabilitation center at 162 NE 49th St., and the Dade County Comprehensive Drug Program in Jackson Memorial Hospital.

U.S. Rep. Claude Pepper joined White House representative Paul Perito in making the Concept House presentation—the largest to any nonprofit, private drug program in Florida history.

Both grants are part of a special 17-city federal program designed to cut waiting time for anti-drug money from four months to six weeks.

Jackson Memorial will use its share of the money—$221,087—to fund a new drug rehabilitation clinic in the predominantly black and Puerto Rican area between NW Sixth and 15th Streets.

Concept House, currently, treating 60 patients, plans to add services and facilities for another 50.

[From the Miami (Fla.) News, July 4, 1972]

PEPPER SAYS 1 IN 137 HERE ADDICTS

"One in every 137 residents is a hard-core drug addict" in Dade County, U.S. Rep. Claude Pepper said in a press conference here today.

Pepper is chairman of the 11-man House Select Committee on Crime that opens three days of public hearings in Miami tomorrow "to determine the extent to which drugs are being bought, sold and abused by children in our schools." The first hearing is scheduled for 10 a.m. tomorrow at Drew Junior High School auditorium.

[From the Atlantic City (N.J.) Press, July 5, 1972]

HOUSE CRIME UNIT OPENS 2ND HEARING

Miami (UPI)—The Select Committee on Crime of the U.S. House opens the second in a series of hearings today into the problem of drugs in the schools and the "abject failure" of government to do anything about it.

"Most regrettably, the policy of most school boards seems to be one of turning away from the problem by refusing to acknowledge the extent to which it exists at the local school level," said Chairman Claude Pepper, D-Fla., in a statement read to newsmen Tuesday.

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The hearings will be held Wednesday through Friday at three local schools. Pepper said witnesses will include administrators, teachers, students and law enforcement officers.

Pepper said he was "very disappointed" that Dade County School Superintendent Edward Whigham and two of his top administrative assistants would not be in town for the hearings.

The committee's first hearings were held in New York and led to strong criticism of school administrators there.

Mr. PEPPER. Then the last 3 days of this past week our committee, upon the recommendation and invitation of one of our distinguished colleagues, Mr. Morgan Murphy, held hearings in Chicago.

On the whole, the best hearings were those because there the local educational TV station carried live all during each of the 3 days the testimony which was presented and we had excellent coverage by the press and by the other media. We were able to bring this problem to public attention.

The situation was described by some witnesses as horrible in the city of Chicago. We had an audience with the mayor who expressed a keen interest in the problem. He had great concern about it and a desire to have the benefit of our recommendations and he expressed his determination to be helpful in every way possible in meeting the challenge of the problem.

I have also newspaper clippings that relate to the Chicago hearings.

Chairman PERKINS. Without objection, they will be inserted in the record at this point.

(The documents referred to follow:)

[From the Chicago Sun-Times, Friday, Sept. 22, 1972]

TELL DRUG SALES IN SCHOOL HALLS

(By Joel Havemann)

A survey has found that a quarter of the high school students in the Chicago area have used some kind of drug beyond marijuana, and three of them testified Thursday that drugs circulate freely in their schools.

The three students, who formerly attended Steinmetz and Harper high schools in Chicago and Hillcrest High School in Country Club Hills, testified before the first day of Chicago hearings by the House Select Committee on Crime.

Rep. Claude Pepper (D-Fla.), chairman of the committee, opened the hearing by reporting the results of a survey by Columbia University of three representative Chicago-area high schools.

STATISTICS FOR HARD-DRUG USAGE

The survey found that 25 per cent of the students had used barbiturates, 20 per cent had used amphetamines, 19 per cent had used methamphetamine (speed), 18 per cent had used LSD, 10 per cent had used cocaine and 6 per cent had used heroin.

"The students who take these drugs come from every major socio-economic, religious and ethnic group," Pepper said. "The drugs used by these students are most commonly bought and sold right on the school grounds."

Pepper said one of the three schools studied by Columbia was Proviso West High in west suburban Hillside. He declined to identify the other two until Columbia has had a chance to double-check its research, but he said one was in an affluent North Side neighborhood and the other was in a South Side ghetto.

LURED BY 'DRUG IMAGE'

Leona Schlaiss, 18, told Pepper's committee that she began smoking marijuana in seventh grade but did not move on to harder drugs, including LSD and cocaine, until she entered Steinmetz High, 3030 N. Mobile.

"A lot of high school kids had the drug image—jeans and beads and all," she said said. "I just fell right into it."

She said a college student supplied the drugs to the high school students, who distributed them among themselves, mostly in the washrooms and lunchroom.

"Sometimes I'd sell it right in class to a kid sitting next to me," Leona added.

A TEACHER HELPED HER

She said she received no drug education in school.

"For the most part they (school officials) just ignored it because they didn't know how to deal with it," she said.

Leona said she got off drugs when a teacher sent her to Gateway House, which operates five drug rehabilitation centers in Illinois. This was soon after her mother kicked her out of the house a year ago because she was getting poor grades and had quit her job in her senior year.

Jeffrey Parks, 16, began smoking marijuana three years ago when he attended the Foster Park Elementary School, 8530 S. Wood. Like Leona, he moved on to harder drugs in high school such as mescaline and LSD. He attended Harper High, 6520 S. Wood.

"I've seen people hitting up (injecting drugs) in the johns, popping pills in class and smoking pot at lunch," he said.

Jeffrey said he got deeper into drugs because he "wanted to be cool. I knew it was going to hurt me," he said, "but it was a lot of fun."

Finally he took an overdose of a series of drugs, was hospitalized for 12 days, took another overdose and was back in the hospital two days later. That's when he went to a Gateway House.

Victoria Babinscak, 17, told the subcommittee that drugs were sold in the hallways, washrooms and lunchroom of Hillcrest High. She said she also could buy drugs when she went to dances or sports events at Homewood-Flossmoor High in Flossmoor and Thornridge High in Dolton.

"People have to realize that kids are taking drugs because of problems at home and in school," she said.

SUPERINTENDENT TESTIFIES

Charles C. Holt, high school superintendent in Proviso Twp., said the Columbia University researchers who studied Proviso West High found that 34 per cent of the students had tried marijuana.

He gave these percentages for harder drugs: Barbiturates, 18 per cent; amphetamines, 16 per cent; LSD, 10 per cent; other psychedelics, 16 per cent; speed, 14 per cent; cocaine, 8 per cent, and heroin, 5 per cent.

"The superintendent in this country who tells you he doesn't have a drug problem is either guilty of a shameful coverup or he doesn't know the facts," Holt told the committee.

The hearings, which are being televised live from the WTTW (Channel 11) studios at 5400 N. St. Louis, are scheduled to continue all day Friday and Saturday.

[From the Chicago Tribune, Friday, Sept. 22, 1972]

SCHOOLS DRUG CRISIS TOLD

(By John O'Brien)

High school students and officials told the United States House Select Committee on Crime yesterday that drugs are commonplace in many schools and that school systems are doing little to combat drug abuse.

The committee is conducting an investigation of the extent of the drug scene in Chicago area schools. In its first day, the committee heard testimony from three students, all former drug users.

Each admitted using drugs while in school. They said the only help they received was from one or two sympathetic teachers.

FAIL TO UNDERSTAND

Most teachers, they said, did not offer counseling on drug abuse because they failed to understand drugs or why students used them.

Vickie Babinscak, 17, told the committee she started using drugs as a sophomore in a downstate high school by smoking marijuana. Soon she turned to pushing drugs to pay for her own supply, she said.

Among her customers, Miss Babinscak said, were members of the school's football and basketball teams and the cheer leading squad. She started using drugs because her friends did, she said.

"TURNED OTHER WAY"

Another student, Leona Schlaiss, 18, said she began taking drugs while a student at Steinmetz High School. The teachers there would turn the other way "when they saw me getting high," she said.

"I don't think they knew what to do about it," she said.

The third student to appear before the committee, Jeffrey Parks, 16, said that when he was discovered using drugs during school hours he merely was sent to the principal's office "to sit out my high."

Parks said he often scoffed at attempts to instruct him on the dangers of drugs "because I couldn't accept the fact they [drugs] were dangerous."

"CONSTITUTE A CRISIS"

Dr. Charles V. Holt, superintendent of Proviso Township High Schools, told the committee that drugs constitute a crisis in nearly every area school.

He said that school officials who deny they have drug problems are "either guilty of a shameful coverup or simply don't know the facts."

Holt referred to a study which was conducted among the students at Proviso East High School, Maywood, which showed that altho only 14.5 per cent of thte freshman class admitted using drugs, nearly 44.5 per cent of 18-year-old students had used them.

The study also disclosed that 50 per cent of the 13-year-olds did not believe drug laws were to hrash, Holt said.

The superintendent said he believed drugs played a major role in agitating the racial unrest which erupted periodically at Proviso East from 1967 thru 1970.

Another official, Edward J. Rachford, acting superintendent of Homewood-Flossmoor High School, Flossmoor, acknowledged a drug problem there and pointed to an incident last week where a student suffered a drug overdose.

Rachford said cocaine was the primary cause of overdoses at his school, which he said has no drug counselor or anyone among a staff of 215 capable of answering technical questions about drugs.

"I personally think alcohol consumption in our community is a much more serious problem," he said.

Rep. Claude Pepper [D., Fla.] committee chairman, said at the close of yesterday's hearing that he plans to submit amendments to federal education bills which would channel vast sums of money into local school systems for dealing with drugs. At one point, he mentioned a figure of $1 billion.

Carl V. Charnett, director of programs at Gateway House, a leading drug rehabilitation center in the Chicago area told the committee the center had been denied some federal funds because it failed to meet certain federal guidelines.

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"I wish some of these bureaucrats in Washington would understand you don't have to be a professional to run a good rehabilitation program," he said.

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Charnett, 28, started taking drugs when he was 16 years old. A reformed addict, Charnett was cited by Pepper as performing an excellent service altho he lacked professional training.

Gateway House operates on an anual budget of $1.2 million, two-thirds of which is provided by federal and state governments.

The hearings, which will end tomorrow, will resume at 10 a.m. today in the studios of WTTW, Channel 11, 5400 N. St. Louis Av.

[From the Chicago Tribune, Friday, Sept. 22, 1972]

DALEY VOWS AID IN DRUG FIGHT HERE

(By Edmund J. Rooney)

Mayor Richard J. Daley pledged the "full resources" of the city in the fight against drug abuse Friday during a private meeting with four congressmen investigating the use of drugs by young persons.

The hour-long meeting in the mayor's City Hall office was held before the start of the second day of testimony here before the U.S. House Select Committee on Crime.

The committee, conducting its hearings in the television studios of WTTW, 5400 N. St. Louis, called 32 witnesses Friday.

U.S. Rep. Morgan Murphy Jr. filled reporters in on the private meeting with Daley, whose schedule, Murphy said, did not permit him to appear formally before the committee.

The mayor is "unhappy" with the drug abuse problem, Murphy said, and told the congressmen he considers it a "real scourge."

Daley said he has personally visited areas of the city with a high rate of drug abuse, tried unsuccessfully to pass into law an ordinance restricting loitering around schools, and has enlarged the Police Department's narcotics squad during his terms as mayor.

Other congressmen attending the meeting with Daley were Rep. Claude Pepper of Florida, chairman of the committee; Rep. Charles Rangel of New York, and Rep. James Mann of South Carolina. All are Democrats.

At Friday's hearing a 46-year-old former drug addict who now directs a preventive drug program on the Far South Side testified that 60 to 70 per cent of the young people in his area use illegal drugs.

Saying he had been among the "first wave of Chicago black addicts" after World War II, Spellman Young warned that today's young addicts are more violent than their older counterpart.

"Some of them become killers," said Young, who runs a program known as Day One at the Altgeld Gardens housing project. The program, sponsored by the Illinois Drug Abuse program, helps about 10,000 persons in the neighborhood, he said.

Young had no explanation of what could account for the increasing violence among drug users.

Young broke into tears at the beginning of his testimony and told the congressmen, "I'm crying because we go around and talk to people like you and it doesn't do any good."

Carl Thomas, 18, a student at Leo High School, a Catholic school at 79th and Peoria, testified that drugs are a "small but growing problem" at the school itself. But he estimated that at Altgeld Gardens, where he lives, 60 per cent or more of the teen-agers are "in some kind of drug bag."

Thomas and James Jones, 18, who backed up what Thomas said, are participants in the program headed by Young. They said they don't use drugs, but had experimented with them in the past.

Another witness scheduled to testify Friday, Helen Frau, 22, told reporters that drugs are a serious problem at Tuley High School, 1313 N. Claremont.

Miss Frau, a Tuley graduate who has two brothers there now, said illegal drugs are sold and used in the halls.

Teachers are afraid to act against the drug traffic, she charged, because they fear physical reprisals from gangs.

During Thursday's sessions, Pepper made it clear before any witnesses spoke that the drug abuse problem in Chicago-area schools "has already assumed deadly proportions."

Jeffrey Parks, a 16-year-old who said he started smoking marijuana at Foster Park Elementary School, 8530 S. Wood, told a similar story. He started taking mescaline and LSD at Harper High, 6520 S. Wood, he testified Thursday.

"I've seen kids hitting up (injecting drugs) in the johns, popping pills in class and smoking pot at lunch," he told the probers.

[From the Chicago Sun-Times, Saturday, Sept. 23, 1972]

LATINS, BLACKS TELL DRUG PLAGUE

(By Joel Havemann)

Black and Latin students and social workers told the House Select Crime Committee here Friday that the drug menace has been devastating their communities for more than a generation.

"Nobody used to pay any attention," complained the Rev. Jose Cruz of St. Aloysius Church, 2300 W. Le Moyne. "But when the drug problem hit the suburbs, people started barbiturates or LSD and 20 per cent have tried heroin."

He said students and outsiders sell drugs freely in the school. The police make little effort to crack down on the sales, he said, and school officials are afraid or unconcerned about the problem.

Carl Thomas, 18, a student at Leo High School, a Catholic school at 1701 S. Sangamon, said a few students at Leo pop pills but hardly any of them use cocaine or heroin. The school suspends all students who are caught using drugs, he said.

BOTH HAVE EXPERIMENTED

Both Jones and Thomas said they had experimented with drugs but are not using any now.

Helen Frau, a 1969 graduate of Tuley High School, 1313 N. Claremont, said she has seen the use of drugs at the school triple during her social work in the Community in the three years since she graduated.

She estimates that 25 per cent of the students had tried narcotics when she graduated from the largely Puerto Rican school, compared with 75 per cent now.

Drugs were sold in the hallways and washrooms, she said, and even one former teacher was a pusher.

"I don't believe the teachers are really interested in the problem," Miss Frau said. "If a kid is nodding at his desk, they won't even pay any attention. Most of them aren't from the community and don't understand our problems."

She said she began to take drugs when she joined a group called the She Devils during seventh grade at the Schley Elementary School, 1240 N. Oakley.

"When I was in high school, it got so that I had to be high all the time," she said. She used amphetamines and barbiturates, but not cocaine or heroin.

FINALLY GOT OUTSIDE HELP

She tried to kick the habit on her own, but she failed. In her senior year she finally got outside help when she took an overdose of pills.

Father Cruz, who was among those who helped Miss Frau, said the drug problem in the Latin community is aggravated by the language and cultural barriers that the people face.

He complained that many of the programs to combat drugs are aimed at whites and blacks, but not at Latins.

He is chairman of the board of El Rincon, a drug clinic at 1835 N. Milwaukee, where 300 people are under treatment for cocaine and heroin addiction.

Jose Lopez, president of El Rincon and a teacher at Tuley High School, said the school does very little to help its students who have drug problems.

"There are many teachers who are not concerned about the problem," he said. "But the real problem is getting the Board of Education to recognize that it is a problem and that we need money to fight it."

[From the Chicago Tribune, Saturday, Sept. 23, 1972]

THE DRUG HEARINGS ON TV

Current hearings about the high school drug scene are being broadcast live from the studios of WTTW [Channel 11] by the House Select Committee on Crime. Rep. Claude Pepper of Florida, chairman of the committee, and WTTW are doing something that has not been done before—combining official congressional hearings with a TV studio setting.

The broadcasts [which end today] have provided an immediate, arresting insight into a corrosive and spreading evil. WTTW credits our Robert Wiedrich's Tower Ticker column with alerting them to the fact that hearings would be held in Chicago. The station offered its studio and Mr. Pepper accepted. We applaud the use of every medium for publicizing the insidious and serious nature of the drug abuse epidemic.

Teen-agers testifying at the hearings reported that their schools have done little to fight drug abuse. Schools are ill prepared to cope with lawlessness and slow suicide in their halls and washrooms. One girl's explanation, that "kids are taking drugs because of problems at home and in school," explains nothing. Millions of other kids have faced problems without becoming addicts and pushers. Teachers look the other way, we're told, because they don't "understand" drugs. But one does not have to "understand" this folly to discourage it and to try to prevent indulgence in it.

Rep. Pepper wants to appropriate a billion dollars to fund a school counterattack on drugs. We suspect that the sight on TV screens of teen-agers who have already gone the whole route to a drug rehabilitation center, and are willing to tell others of their experience, is a deterrent worth a good many salaries. What is needed is an end to the desire and willingness to turn to drugs and to the appalling apathy of parents and teachers. We are not at all sure that this end can be bought with money.

[From the Chicago Tribune, Saturday, Sept. 23, 1972]

DALEY SAYS CITY WILL ACT TO CUT SCHOOL DRUG USE

(By Thomas Powers and Edward Schreiber)

Mayor Daley told four members of the United States House Select Committee on Crime yesterday that he would act to set up a major program to cut drug use among students in Chicago schools once the committee can make recommendations.

Daley met in his office with the four congressmen before they resumed hearings here. Witnesses at the hearings further detailed wide use of drugs in the city's schools, lack of understanding of the problem by teachers and parents, and how lack of funds has prevented a significant drug abuse program in the schools.

WILL SCHEDULE MEETING

Daley told the congressmen, according to a spokesman, that once the recommendations are received he would schedule a meeting of police and school officials to plan action.

He told them he would name Frank Sullivan, an administrative assistant, as liaison man to work with the committee and local officials in setting up an effective program.

Meeting with the mayor were United States Representatives Claude Pepper (D., Fla.), Charles R. Rangel (D., N.Y.), James R. Mann (D., S.C.), and Morgan Murphy (D., Ill.)

CONCERNED OVER SITUATION

Pepper, the committee chairman, said Daley expressed grave concern over the school drug situation, and pledged he would do everything he could to combat it.

Yesterday was the second day of three days of hearings being conducted in studios of Station WTTW, Channel 11, at 5400 N. St. Louis Av.

Typical of the testimony was that of Clarence B. Becker, drug abuse conductor of the city schools Area C, which includes all of the city north of Madison Street. He said only $2,000 of federal money is allocated for the year in this area for drug abuse education and training—about 25 cents per teacher for the area's 8,000 teachers.

STONED EVERY DAY

"Kids come to school stoned every day," Becker said. "There is acceptabiltiy of drugs, availability of drugs, and pressure to use them."

He said one girl, a daughter of a teacher, took vitamin pills "because she wanted classmates to think she was taking drugs."

He said "straight kids" are afraid to leave glasses of milk or soda pop unwatched because they must guard against someone dropping drugs into the glasses. Some girls no longer will go on blind dates or to parties for fear of being drugged, he said.

GEAR TOWARD PARENTS

Becker said drug abuse education should be directed to parents, as well as students and teachers, so parents will be capable of detecting initial signs of drug use.

"You can't wait until the kids are hooked," he said. "Then it is too late."

Most parents simply don't know much about the drugs, he said.

Mrs. Penny Miesler, a teacher in Budlong Elementary School, 2701 W. Foster Av., described the school's drug abuse program as "practically nonexistent." She said many teachers are afraid to tell parents their children are using drugs because they fear the parents will sue them, alleging false accusations.

MANY USE AS YOUNGSTERS

She said that in some classes in public schools, as many as 80 per cent of the pupils are using drugs or have tried them by the time they reach the 8th grade.

Sister Katie Roenitz, teacher in Mother Guerin High School, a Catholic school in River Grove, said: "We have no program on drug abuse. The kids know what is going on, but most of the teachers don't have the slightest idea."

18 PER CENT USE POT

Dennis Radtke, guidance counselor at Luther High School North, a Lutheran school at 5700 W. Berteau Av., said a sampling of a class there recently showed 18 per cent of freshmen had used marijuana and 9 per cent had used hard drugs.

Patrick O'Malley, vice president of the Chicago Teachers Union, said only $80,000—or 10 cents a student—had been allocated by the federal government for combating drug abuse in the entire Chicago school system.

"It is ridiculous to ask someone to administer a drug abuse program with that kind of money," he said. "It wouldn't keep a day camp open a week."

MAKE PART OF CONTRACT

Rangel said, "The teachers union ought to make it a part of its contract that sufficient funds be allocated for drug abuse programs and training of teachers."

Spellman Young, 42, director of the Day One Program, a detoxification program in the Altgeld Gardens Housing Project on the South Side, and once a narcotics addict, said the problem is not so much getting young people off drugs as providing them with the job training and opening job opportunities.

With him were James Jones and Carl Thomas, both 18, who testified that drugs were available outside and inside their schools, which they wouldn't identify, and that teachers were doing little about it.

"Most teachers ignore what they see," said Jones. "They are afraid to do anything about it."

[From the Chicago Tribune, Friday, Sept. 22, 1972]

PUPILS, OFFICIALS HERE

(By John O'Brien)

High school students and officials told the United States House Select Committee on Crime yesterday that drugs are commonplace in many schools and that school systems are doing little to combat drug abuse.

The committee is conducting an investigation of the extent of the drug scene in Chicago area schools. In its first day, the committee heard testimony from three students, all former drug users.

Each admitted using drugs while in school. They said the only help they received was from one or two sympathetic teachers.

FAIL TO UNDERSTAND

Most teachers, they said, did not offer counseling on drug abuse because they failed to understand drugs or why students used them.

Vickie Babinscak, 17, told the committee she started using drugs as a sophomore in a downstate high school by smoking marijuana. Soon she turned to pushing drugs to pay for her own supply, she said.

Among her customers, Miss Babinscak said, were members of the school's football and basketball teams and the cheerleading squad. She started using drugs because her friends did, she said.

"TURNED OTHER WAY"

Another student, Leona Schlaiss, 18, said she began taking drugs while a student at Steinmetz High School. The teachers there would turn the other way "when they saw me getting high," she said.

"I don't think they knew what to do about it," she said.

The third student to appear before the committee, Jeffrey Parks, 16, said that when he was discovered using drugs during school hours he merely was sent to the principal's office "to sit out my high."

Parks said he often scoffed at attempts to instruct him on the dangers of drugs "because I couldn't accept the fact they (drugs) were dangerous."

"CONSTITUTE A CRISIS"

Dr. Charles V. Holt, superintendent of Proviso Township High Schools, told the committee that drugs constitute a crisis in nearly every area school.

He said that school officials who deny they have drug problems are "either guilty of a shameful coverup or simply don't know the facts."

Holt referred to a study which was conducted among the students at Proviso East High School, Maywood, which showed that altho only 14.5 per cent of the freshman class admitted using drugs, nearly 44.5 per cent of 18-year-old students had used them.

The study also disclosed that 50 per cent of the 18-year-olds did not believe drug laws were too harsh, Holt said.

The superintendent said he believed drugs played a major role in agitating the racial unrest which erupted periodically at Proviso East from 1967 thru 1970.

Another official, Edward J. Rachford, acting superintendent of Homewood-Flossmoor High School, Flossmoor, acknowledged a drug problem there and pointed to an incident last week where a student suffered a drug overdose.

Rachford said cocaine was the primary cause of overdoses at his school, which he said has no drug counselor or anyone among a staff of 215 capable of answering technical questions about drugs.

"I personally think alcohol consumption in our community is a much more serious problem," he said.

Rep. Claude Pepper [D., Fla.] committee chairman, said at the close of yesterday's hearing that he plans to submit amendments to federal education bills which would channel vast sums of money into local school systems for dealing with drugs. At one point, he mentioned a figure of $1 billion.

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"I wish some of these bureaucrats in Washington would understand you don't have to be a professional to run a good rehabilitation program," he said.

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Charnett, 38, started taking drugs when he was 16 years old. A reformed addict, Charnett was cited by Pepper as performing an excellent service altho he lacked professional training.

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The hearings, which will end tomorrow, will resume at 10 a.m. today in the studios of WTTW, Channel 11, 5400 N. St. Louis Av.

[From the Chicago Sun Times, Sept. 21, 1972]

City Hit on Youth Dope Effort

(By Bill Granger)

A U.S. House committee investigating drug abuse in the Chicago area charged Wednesday night that the city's Board of Health, School Board and police department, among other agencies, have been lax in investigation, reporting and dealing with the drug problem in schools.

In a statement, the committee charged:

(1) More than a fourth of students surveyed in Chicago area high schools have used drugs, and 6 per cent have experimented with heroin.

(2) The Chicago Board of Health, the Chicago Board of Education and the Chicago Police Department have virtually no statistics on the extent of drug abuse in the school system.

(3) Law enforcement efforts to stop drug abuse in schools are nonexistent.

(4) The Board of Education has "displayed little or no initiative in combating" the drug crisis.

(5) Many school officials in and out of Chicago refuse to expose the drug problem in their schools for fear of what parents will think.

HEARINGS ON TV

The charges were made in a six-page statement by Rep. Claude Pepper (D-Fla), the chairman of the House Select Committee on Crime. It will open three days of public hearings Thursday that will be telecast live on WTTW (Channel 11).

The statement was read and expounded by Joseph A. Phillips, chief counsel of the committee. Pepper will lead the hearings, which will be held at 5400 N. St. Louis in the Channel 11 studios.

Phillips said the survey of drug abuse in Chicago area schools was conducted by a professional sampling organization and involved two high schools in Chicago and one in the suburbs. The schools were selected to reflect a broad range of economic, social and racial backgrounds, he said.

SURVEY FINDINGS

The survey found:

—25 percent of the students have used barbiturates.

—20 percent have used amphetamines.

—18 percent have used LSD.

—19 percent have used methamphetamines ("speed").

—10 percent have used cocaine.

—6 percent have used heroin.

"The drugs used by these students are most commonly bought and sold right on the school grounds," the statement said. Phillips added that one student told the committee, "It's safer to buy drugs in school than on the street because the cops might get you on the street."

SCHOOL BOARD ACTION

The statement said that evidence will be introduced during the public hearings that drug abuse educaton in the various school systems is "ineffectual and almost nonexistent."

In connection with that, the Board of Education routinely approved a report at its last meeting that contained a survey of 75 teachers who attended a drug abuse education program a year ago. Only 50 percent of the teachers responded to the survey but of that number, 85 percent said there was a drug problem in their schools.

School Supt. James F. Redmond admitted there are "no valid statistics" on the extent of the drug problem in Chicago public schools and said he would answer the committee's charges with a statement later in the week.

Phillips charged that the Board of Health routinely receives statistics from private hospitals on treatment of patients suffering from drug abuse complaints. He charged however, that the board has no valid statistics and was told "we don't have the money" to put the statistics together.

STATISTICS NOT COMPILED

Phillips said Henrotin Hospital co-operated with the committee and went through all their cases for a year to find they treated 287 persons for drug overdoses—and that 60 percent were "young people." Phillips said other hospitals complained they did not have the manpower to provide such a survey.

"Neither schools nor health authorities compile statistics on these critical indicators," the statement said. "The IBM forms on which these overdoses are reported are merely piled up and collecting dust in the Board of Health," it went on.

Dr. Murray C. Brown, city health commissioner, said he was unaware of such storage of statistics and said that his office does compile drug death statistics in co-operation with the county coroner. But he said there is no systematic compilation of overdose reports.

Asst. Health Comr. Edward King said he would investigate the charge made by the committee.

The committee said Dr. Brown is scheduled to testify in the hearings.

"The drug abuse problem in Chicago schools is widespread and it is consistently growing worse," the statement continued. "Drug abuse is so extensive that one public official advised the committee that it is easier to buy drugs in school than it is to buy a newspaper."

Phillips said the police department has advised the committee that it is concentrating its manpower on dealing with the adult drug abuse problem on the streets.

"One official told us that they have no undercover agents in the schools because they didn't have anyone who looks young enough," Phillips said.

He said that both New York City and San Francisco police have placed undercover agents in schools in these cities to solve the drug problem. He said that other cities have better statistics on the rate of drug use, especially New York.

[Chicago Today, Saturday, Sept. 23, 1972]

DRUGS IN OUR SCHOOLS

Hearings by the House Select Committee on Crime here weren't a day old before they brought out facts that should rivet the attention of every parent in the Chicago area. The most worrisome of these are that drug use is at a critical stage in nearly every area school; that school systems are doing little about it; and that teachers, with rare exceptions, neither understand nor try to head off students from addiction.

The extent of the problem and the inability or unwillingness of school officials to curb it are equally appalling. The teenagers weren't talking mainly about pot. They were veterans of the whole spectrum of drug dependence, including speed, cocaine, and heroin. A superintendent testified that 44.5 per cent of 18-year-olds at one school used drugs. A 16-year-old said that when he was caught using drugs, he was sent to the principal's office to sit out his "high"—a punishment reflecting either abysmal ignorance or total unconcern.

These conditions aren't limited to Chicago. The stories are familiar to the committee members, who heard the same things in New York and Miami. Students tend to repeat a familiar pattern: They start using the hard stuff because some friends do. They can't be convinced that it's dangerous, because others do it and stay alive. Then they start pushing drugs to finance their own habits.

Committee Chairman Claude Pepper [D, Fla.] suggested that one way to fight the problem would be the infusion of federal money, as much as $1 billion, into the school systems for dealing with drug abuse. That won't help unless the systems—and parents—show a sharper awareness of what's going on inside the schools than they do now.

Public information and plenty of it seems to hold the key. A good start toward making that information more widely accessible has been made by . . .

[Chicago Today, Saturday, Sept. 23, 1972]

. . . WTTW'S TELEVISED HEARINGS

Chicago's channel 11—WTTW—has earned a particularly deep bow by televising in their entirety the hearings into drug abuse in Chicago's schools by the House Select Committee on Crime.

The three-day series, concluding today, gave Chicagoans a chance to learn as much as the Congressional probers about a challenge that deeply concerns us all. Both morning and afternoon sessions have been broadcast fully; a complete recap begins at 7:30 tonight and runs until signoff time.

This is an important and welcome change from the hit-and-run coverage that TV must give to most major news stories. WTTW has done much to inform the public with this innovation, and we hope Congress and public television start applying the idea to other such hearings as they come up.

REDMOND SEEKS FUNDS FOR ANTIDRUG PROGRAM

(By Pat Anstett)

Chicago School Supt. James F. Redmond today recommended a $3.4 million comprehensive program to combat the growing menace of drug abuse in Chicago's schools.

Redmond outlined the program in prepared testimony before the United States House Select Committee on Crime, which is holding the last of three days of hearings in the studios of Station WTTW, Channel 11, at 5400 N. St. Louis Av.

"It is necessary to provide positions and time for trained teachers to develop and activate school programs," Redmond said. "Chicago has not yet reached this phase of development, because funds for program implementation have been severely limited.

Since 1970, only 200 teachers have received specialized training in the prevention of drug abuse under the school system's drug education program.

In June, 1971, the board published a new guide, entitled "Education about Drugs: Kindergarten thru High School Program," for distribution to the system's 30,000 teachers.

Redmond said the board's immediate goal is to place at least one trained person in drug abuse prevention in each of Chicago's 570 schools.

However, he noted that "Chicago public schools have progressed as far as they are able without additional financial assistance. At least $3 million is needed for 1973."

The bulk of the money, $2.7 million, is needed for drug education teacher specialists in each school for half a day daily.

"The success of the drug abuse program depends on open communication between teacher and student. It is essential that legislation be enacted permitting teachers the same protection of privileged information which is now extended to physicians, clergy and attorneys," Redmond said.

He noted that under present laws, teachers are required to inform authorities about drug-related problems—a system which undermines student confidence in the teacher.

"If we know anything on the basis of previous experience, we know that traditional methods of drug education do not work to prevent drug abuse," Redmond said.

"Yet little concrete assistance has been provided to the schools in the development of better-conceived approaches."

To begin an efficient drug abuse control program, Redmond suggested that financing be "separated from the budgetary requirements of the Board of Education." Persumably, this would mean federal funding.

The additional funds would provide intensive training for a staff of drug-abuse specialists who could form cadres for expansion of the training to include all teachers in the system.

"The best and most positive hope for the development of an effective prevention program is education," Redmond explained. However, he cautioned that "education about drugs is not a guaranteed panacea to the problem of drug abuse [but] prevention by education does contain factors which suggest the likelihood of ultimate success."

He noted that only "miniscule" amounts are spent for prevention of drug abuse, while most of the money appropriated goes for treatment of those already affected.

"What is critical is to discourage and prevent the development of drug dependency. The best available means toward that goal is education," Redmond said.

In other action, Mayor Daley told four members of the crime committee yesterday that he would assist in setting up a drug abuse prevention program in the public schools.

Daley told the four congressmen that once recommendations have been received, he would set up meetings with police and school officials to plan action.

Frank Sullivan, an administrative assistant, was appointed to act as liaison between the committee and local officials.

In testimony before the committee yesterday, Mrs. Irving King, president of the Chicago Chapter of the PTA, said, "Many parents are not aware that children are using drugs in their very own communities."

Clarence B. Becker, drug abuse coordinator for the Board of Education, agreed that parents are not aware of how wide-spread the drug problem is in Chicago schools.

"One of our most serious problems is adult education," Becker said. "Some parents don't even spend time with their children. How are you going to get them to talk to children about drugs?"

Chicago has received only $12,000 over the last three years to train teachers in drug counseling, Becker said.

That small sum has gone exclusively toward high school-level programs that emphasize treatment of drug problems, he noted.

"But the real emphasis should be at the elementary level on a prevention," Becker explained. "That is where the real need is."

In an interview, Rep. Morgan Murphy [D., Chicago] said that the congressional committee would be working in the coming months to get increased funding for drug-abuse programs.

Mr. PEPPER. Mr. Chairman and members of the committee, we are dealing, as I am informed by a member of your staff, with 36,443,000 young people between 5 and 13 years of age and, by the way, everywhere we have held hearings we have had shocking evidence that this matter of drug abuse has gone down into the elementary schools and we have had children before us, as young as 9 and 10 and 11 years old, who would stand up and tell the committee and tell the group, of which we were a part, about their use of drugs.

So, today, we have to think of the elementary schools as well as the high schools.

In the 14- to 17-year-old group, I am advised that there are 15,992,000, making a total in the 5- to 17-year-age group of 52,435,000. Now, Mr. Chairman, the evidence that we have received in these three hearings—and next week or the latter part of this week our committee will hold 3 days of hearings in San Francisco at the invitation of our distinguished colleague, Mr. Waldie—is that up to 80 or 90 percent of the children in the public schools of our country today—and we had representatives or members of faculties of parochial schools, some Catholic schools, who testified, and they say similar situations prevail in their schools, that the percentage of drug experience runs as high as 80 or 90 percent.

In my home county of Dade, Miami, of which Miami is the county seat, up until 1967 we didn't have any reported deaths from heroin. Since 1967, over 450 people in Dade County have died from heroin.

They call it an overdose, but the chief medical examiner of New York City—and I think the best informed man in the country on the subject, Dr. Halperin, as he has dealt with more casualties from heroin use than any other physician we know of in the country—says it is inaccurate to say anyone dies from an overdose of heroin. He says if anyone uses it over a period of time and takes exactly the same quality—and takes exactly the same measured quantity—the next dose may be killing. The affected ganglion in the brain arrests the breathing apparatus of the body, and authorities say that when anyone dies from heroin he is gasping for breath because the lungs don't function due to paralysis of whatever it is in the brain which controls that function of the body.

The reason I mentioned the number of 52 million is because I mentioned a figure of $500 million as the amount that I respectfully suggested should be authorized.

Now, as to the inadequacy of dealing with the problem at the present time, all three school boards, New York, Miami, and Chicago, have indicated relatively little response to the problem, and for rather obvious reasons.

One was they didn't have the money even to make the survey. There was not a single one of them that had any sort of accurate survey as to how menacing the problem was in their schools.

Secondly, they didn't know what to do because nobody had formulated programs that were recognized as desirable and successful. The fact is that, largely for these two reasons, and because the teachers know relatively little about it and the administrators also, to a very large degree, and I am sure we want to find out, wherever we take testimony over the country, the school authorities have tried to sweep the problem under the rug. They ignore it if they haven't denied the existence of it. In some instances because the school teachers feel it is not properly their function to report on the student's use of drugs, because they might be sued and because they don't know very much about it anyway, some of the teachers are actually hostile.

For example, we found in New York City that the police department sent undercover agents to some of the schools and in some instances either an assistant principal or teacher disclosed the character of the undercover agent so he or she could do no further good in the school, because they were basically unsympathetic to the problem.

In the great city of Chicago, they asked "How can we do everything we would like to do when we are threatened with the closing of our schools in December because of lack of funds?" They are getting some help under the Elementary and Secondary Education Act which this distinguished committee has made possible for them, but they say we have to choose some way or another among our priorities when we don't have enough money to carry on the regular curriculum activities, and we can't expect them to go into collateral programs even though they are serious.

Now, here is this great city of Chicago struggling to train 200 teachers in the whole city of Chicago out of thousands of teachers, trying to find somewhere enough money to train 200 in recognizing the drug problem among the students and having knowledge then to try to do something about it.

They don't have it in Chicago, and I don't say it disparagingly because we had the head of the school system, the superintendent, and the teachers and the heads of the teachers union, and they are all very much concerned, but they don't have one single counselor in drug abuse in a single one of the schools in Chicago and they are struggling to see if they can find the means some way or another to provide a counselor who will be knowledgeable in the field of drugs and will be able to do something about it.

In nearly every instance now we find this. What do they do if finally the school authorities are forced to take account or recognition of the drug abuse of some student?

In one case in New York we had a witness tell about how a teacher walked down the corridor of one of the school buildings holding a paper up in front of her to avoid seeing a student who was woozy walking along in the corridor with her because she didn't want to get involved and she didn't know what to do anyway.

I started to tell you that about all they do now in any of the schools is send them home, suspend them from the school. When they go home, too often the parents deny that they are drug abusers. Not my little Mary or my little daughter, you can't tell me she or he is using drugs.

First, they have to accept the fact and then they have to know where to turn.

In Miami we had three women, one black and two white, and the black lady with tears streaming from her eyes asked our committee at a public hearing:

> Why didn't somebody offer me help before my little 5-year old daughter was strangled to death in my own home behind a locked door, screaming in muffled screams for help. I couldn't get in the door, and my own son was in there choking to death this lovely little 5-year old daughter. I had found out my son was taking drugs but there was not anything I could do to get any help. Nobody had any help available.

Two other mothers sat beside me and told how they lost their sons. Each of them lost her son because, she discovered, he was using drugs but there are not any facilities that are anything like adequate to deal with the problem.

So, basically, what I am proposing is this, Mr. Chairman and members of the committee, that we approach this matter in the schools. Now, there are some who think we ought to do nothing about it in the schools, that we ought to wait and let the problem be dealt with by the community. Well, as we say, the action is in the schools. That is where the children are using the drugs.

By the way, Mr. Chairman and members of the committee, in every one of these three hearings, New York, Miami, and Chicago, everybody testified that drugs were being sold freely by students in the schools. One of the last witnesses we had in Chicago last Saturday was an undercover police officer with whom our staff collaborated in determining whether or not it was easily possible for a student to buy drugs in her school.

This young lady, 17 years of age, somehow or other, came to the notice of our staff, and the staff members talked to her and then got in touch with an undercover agent from the police department and one of the school authorities and this young lady said, "I can go right to my school now and in just a little bit can buy any drug I want to buy."

So our staff gave her $20. "All right, can you buy heroin?" "Yes" she said. The undercover police officer handled the matter, guided her and stayed in the background. The school authorities were informed. This young lady went down there and this is the testimony of the police:

This young lady went back to her school and in 1½ hours came back with a little package of heroin for which she paid $20. She made some more trips and bought four additional kinds of drugs, amphetamines and different kinds of drugs. So everywhere the students themselves are peddling drugs, some of them to pay for their own addiction, which is usually expensive, and sometimes, you know, just because they get caught up in the system, as it were, and they think it is the smart thing to do.

So, as we say, you must approach the problem in the schools.

It is estimated that today in the United States there are from 350,000 to 500,000 addicts. Now, I saw the other day Dr. Jaffee, who has been doing on the whole I think a very commendable job and his deputy, an able gentleman, Mr. Perits, formerly chief counsel of our committee. We brought him in and brought Dr. Jaffee to Washington to testify before our committee and they are very knowledgable on the subject.

I saw the other day Dr. Jaffee said they now have increased the facilities under this program for 100,000 addicts. That still leaves 250,000, if there are not but 350,000 in the country, and you see how many it would leave if there are 500,000 addicts in the country.

Now then, it has been made very clear to us in various hearings we have had and the studies we have made that the answer to this problem primarily among the younger people, particularly the student, is not medicine, it is not putting them in a hospital, it is not medical care, it is primarily therapeutic care.

We had a medical doctor for the Chicago school board who testified last week in Chicago. He said, "One of the groups which contributes so much to drug addiction and abuse is the school dropout." Well now, he said, "Why do they drop out?"

By the way, there are 12,000 dropouts a year from the public schools of the city of Chicago, 12,000. Now, those students are headed, most of them, for the juvenile court and the juvenile court judges have testified before our committee that 50 percent of the students, young people, who come before the juvenile court judges wind up in penitentiaries and adult prisons, correctional institutions of the country, after commission of subsequent and serious crimes.

So what I am saying is, you have to deal with this problem at the beginning in the schools, because if they learn their addiction in the schools, they are not only candidates for degradation and death but are moving rapidly out to augment the population of 350,000 to 500,000 drug addicts already in this country.

Now, Mr. Chairman, at one time it was generally considered that this was a problem of the ghettos. We had a black man, who is head of a treatment center who with very strong emotions told us that the ghetto drug problem was related to the neglect by public authority, by economy, by society. They needed jobs, recognition, respect, proper education, and skills and opportunities and all of that, but today, any informed person will tell you that this problem is moving now into the affluent segment of our society.

In my city of Miami, about a year and a half ago, the 18-year-old son of the head of the largest financial institution of its kind in the South died from taking heroin. He developed the habit in the schools. His father, for 2 years, he told me, fought it and tried to do everything he could to help the boy fight it. As the father expressed it to me, he said he lost a 2-year fight. There is a rich man's son.

Just recently in Miami, we had a former U.S. Commissioner of the United States, a judge and a very able lawyer, named Mr. Swann, who testified as to how his teenage daughter had learned to take drugs, including heroin, in the schools, and he finally got her into one of these therapeutic centers of "Seed" which is doing a very fine job in Fort Lauderdale, Fla., and he told me, with moving fervor, very eloquently, how he regained a daughter, how she came back from the treatment facility.

I just learned last week that the son of one of the most prominent Federal officials in Miami is now, they have discovered, an abuser of drugs and he is in an institution now.

Those are just three cases that have come to my personal attention. So today it is a problem in the whole country. It is in the suburbs as well as in the ghetto, in the central core of the city as well as in the surrounding environment. So we are dealing with a problem of great magnitude.

So what I am saying, Mr. Chairman, is that if you are going to have treatment, it is admitted you are just not going to let the problem go, just try to brush it under the rug and ignore it and let them go out and steal and rob. We have found that 50 percent of the violent crimes in this country are due to drug addicts, primarily heroin addicts going out and getting illegally possession of property to get money for drugs.

Right in the District of Columbia, Dr. Dupont twice testified before our committee and he says the ordinary addict in the District of Columbia takes illegally, on an average, $50,000 worth of property a year in order to sustain this expensive addiction to heroin which he has acquired.

I was at the White House when President Nixon signed the bill setting up the special action agency for drug abuse prevention. And he stated then:

> If we are successful in this new agency we set up under Mr. Ambrose in driving the pushers off the streets, that simply, if we don't watch out and provide adequate treatment and rehabilitation facilities, it will mean more crime, because with fewer pushers, the quantity will be scarcer and the price will be higher and of course they will have to rob more homes and steal more and burglarize more in order to get the money.

Now, these young people are doing exactly the same thing. In Dade County, they estimate that $20,000 is about the average amount that the addict has to acquire illegally in order to sustain his or her addiction.

It is hard to say. Some people say you can't add this burden to the schools. Of course you can't if you are not going to give them any more help.

I was meeting with a group of ladies, members of the parent-teachers association in Coral Gables and these ladies said, wait, we don't want to see this program pushed into the school system to deal with the drug problem. We don't have enough money already for the regular curriculum work of the schools and you will be diminishing the amount available for that.

Well, I said, "I know, of course, we don't have enough money, but I am not thinking of diverting money but saying the Federal Government has to join the State and local authorities in providing adequate funds to enable the schools to deal with this problem."

Now, who is better qualified to stop dropouts? Is it somebody outside of the school system or somebody in the school system? The best candidates for drug abuse probably already have become drug abusers before they dropped out.

Dr. Abrams, to whom I have referred, said a great many of the dropouts drop out because they are failures academically in the school system. The school system, the curriculum is not adapted to those people. Well, I believe Jesus said, "The Sabbath was made for man, not man for the Sabbath." I believe all of us agree that the school curriculum and program should primarily be designed for the student rather than the student for the program, because they don't always fit into an arbitrarily selected program.

We have to put more imagination into the curriculum, more inspiration as well as imagination in the teachers and administrators and counselors to interest these youngsters in doing something in the schools that will keep them there.

In my State of Florida, I think maybe Dade County is an exception, up until recently, at least, nobody could take vocational training until he got into the 10th grade. Well, by that time, they already are dropouts.

Everybody is not academically inclined. Everybody is not qualified to be a doctor or lawyer or engineer or scientist and so forth, but it does not mean he is worthless and there is not some credible contribution that he can make to society and the school has to make a special study of how to stop these dropouts from dropping out.

The other thing is this—what do we do with students that do become addicted to drugs or do become abusers of drugs? Well, as I said, the best method found so far is what they called "peer therapy." One of the fine examples of this is at an institution in Fort Lauderdale, Fla. A former alcoholic, he is no psychiatrist or psychologist or professional man but he has done a phenomenal job in somehow bringing these students into a rapport with one another and with his program.

They sing songs, they spend from 10 o'clock in the morning until 10 o'clock at night meeting with one another, discussing one another's problems, talking about a better life for them and the like. At 10 o'clock in the evening they go home. Those who do not live in the Fort Lauderdale area, live in foster homes with parents of children who have had a drug problem and who know something about the nature of the problem. They let them come into their homes so they will not go back into their own home environment which may have contributed to their getting into this problem.

So if you are going to set this up—this is not a drug problem; well, the hard-core you may have to give methadone—but I am not talking about that but about children in the schools up to the high school level, and how we are going to find enough trained teachers, enough trained administrators, enough facilities outside of the school to take care of all of these students in the school that need care?

So I tell you the schools of this country will undertake the problem, Mr. Chairman and members of the committee, if we give them the tools to do it, which is primarily the money to do it.

I think the best place to start in trying to deal with this challenging problem of drugs is with the young people who are already acquiring the habit before it becomes too much fixed in them. Do it within the schools. But in order to do it we have to have teachers that are trained in recognition and in dealing with the problem.

Now, some of them feel they should be given immunity by law from prosecution by a parent or a student by a parent and that is a matter that has to be worked out locally. We didn't actually find any instance in which a teacher had been sued who conscientiously and with reason and circumspection had reported either to supervisors or parents or authorities about the use of drugs by one of the students.

But, as I said, officials in the city of Chicago admit that they don't have any trained teachers, so we have to train the teachers.

Now, the question arose, should they be paid for the time they take in learning in this training? I think they should be. I think most of them are patriotic enough and sufficiently concerned about the children they teach and would give their services but, on the other hand, they say they are supposed to learn a new skill and improve qualifications and I think it is a proper subject for compensation to them.

In addition to that most of the schools have a counselor, but with all due respect—I won't say where it was we saw this counselor—it was the consensus of the committee that that poor fellow didn't have the genius to inspire anybody to do anything, particularly young people who are so responsive to the leadership of their own age groups.

So, to make a long story short, Mr. Chairman, what I am proposing, and I think it would be one of the most meaningful contributions that could possibly be made, meeting the challenge of the drug menace in this country today, I am proposing that the Federal Government give substantial financial support to the school systems of this country to enable them to train the teachers, to train the counselors, to put into effect the appropriate measures, putting in character, to develop the kind of rapport with the young people by getting the right kind of inspirational teachers and counselors into a program and if we save one life it would be a precious recovery on our part, a precious savings on our part.

So, Mr. Chairman, I, in the strongest way possible, commend to this distinguished committee, the inclusion of a separate title in your Elementary and Secondary Education Act, and as I said a minute ago, dealing with this problem, to be cited as the "Elementary and Secondary Drug Abuse Eradication Act of 1972."

Thank you very much.

Chairman PERKINS. Thank you very much, Mr. Pepper, for an excellent statement. Of course, we know more about the problem today than we did a few years ago, but from your knowledge gained from your hearings, it is your judgment that we should deal with this problem.

The time has come to deal with it directly in the schools in a meaningful way, and we cannot deal with it in a meaningful way unless we authorize funds sufficient to cope with the problem.

How do you propose that the funds be distributed in accordance with your amendment?

Mr. PEPPER. The way I have put it, and I have consulted some of the legislative authorities, I propose that the Commissioner of Education, hereinafter referred to as the Commissioner, should carry out a program of making grants to local educational agencies as defined by section 801(f) of this act to finance all or in part programs to eliminate the use of drugs by elementary and secondary school students and to prevent the use of drugs by such students.

Such programs shall be eligible for grants upon application by the local educational agency, which application gives reasonable promise in the judgment of the Commissioner of effectively providing student drug users and students who are potential users of drugs with services which tend to eliminate the use of drugs among elementary and secondary school students and which include as program components the following essential elements.

Then I specify counseling, group therapy, parental involvement and the inservice training of teachers, administrators, counselors, and other school personnel in drug abuse. It is my amendment, Mr. Chairman and members of the committee, to authorize the Commissioner to make the grants directly to the school authorities in the areas where the schools are.

I frankly think that is a better way of handling it than having to go through a State agency and then have the whole thing reviewed by the State agency and distribution made. I realize we are going to have to have State help, but I really believe that the best way to do it is to give the help directly to the school authorities and as we say, this is where the action is.

But the Commissioner would have discretion as to the approval of the application.

Chairman PERKINS. Why do you suggest that it be made a separate title? In other words, why do you prefer a separate title to a separate bill?

Mr. PEPPER. It might well be, Mr. Chairman, and I had thought that we would perhaps draft a bill embodying this proposal and then that bill would come to your honorable committee for consideration, that I would be disposed to do if you thought well of it or whatever you think would be most appreciable to the committee. All I want is action in the matter.

Chairman PERKINS. Mrs. Hicks?

Mrs. HICKS. Thank you very much, Mr. Chairman. I certainly welcome our distinguished colleague, Congressman Pepper. I commend you for bringing this matter to our attention because I think it is very important that we do take a very strong look at what is happening in our schools. What is repeated in the testimony that you have heard, I am sure, is repeated all over the country in all of our urban and now our suburban school systems.

I am very interested that as part of the program you are going to have parental involvement. I think this is important because one of the problems of the parents is that they don't identify their children as drug users.

The inservice program of training teachers would be a help because the problem is there also. They could identify, if they were taught to do so, a user in the very first stages rather than having to wait until the situation becomes critical.

I commend you and I endorse your program and I certainly trust that we will be able to do something about it with an appropriation to put this into effect because unless we start to save the children, we are not going to be able to save the adults.

Mr. PEPPER. Mrs. Hicks and members of the committee, may I just say one thing. I believe the Federal Government is funding, on a small level, some drug education programs.

Chaiman PERKINS. That is correct.

Mr. PEPPER. But here is what we find out from our hearings. Those funds are being used basically for a scare-type program. They have films and they have lectures and the like from older people or police officers or the like, and I know of one instance in Fort Lauderdale in which the man who conducts this said this excellent therapeutic program—he told the school authorities to quit using the program of which I speak because it taught more people how to use drugs than it saved from using drugs.

It looks like the affirmative approach in using young people as much as possible, trained teachers and counselors, you get better results from the students than by trying to frighten them with the evils that might derive from taking drugs.

Mrs. HICKS. Thank you very much.

Chairman PERKINS. Thank you very much. You have been most helpful to the committee and I hope your suggestions are adopted. I will work toward that end.

Mr. PEPPER. Thank you very much.

STATEMENT OF GERALD MOELLER, DIRECTOR OF RESEARCH, ST. LOUIS CITY SCHOOLS, ST. LOUIS, MO.

Chairman PERKINS. Our next witness is Dr. Gerald Moeller, director of research, St. Louis city schools. We are glad to welcome you again. Proceed in any way you prefer.

Mr. MOELLER. Thank you, Mr. Chairman and members of the committee. In my remarks I will point out some of the effects of title I programs on St. Louis children, some of the restrictions which for one reason or another have crept into the operation of title I, and then propose a number of recommendations which from our St. Louis point of view could improve title I operations in our city.

First, a few words about St. Louis and its school system. There are about 105,000 boys and girls attending 157 elementary and 13 high schools. The 1970 census shows that the city itself has about 600,000 residents, down 17 percent since 1960.

It is not only down but it is shrinking in the wrong places. The most productive age bracket—the wage-earning, child-bearing 25–44 year olds—actually diminished by 30 percent, down 44 percent among whites and up less than 1 percent among blacks.

Along with Newark, N.J., St. Louis has been called the most blighted and abandoned of the large cities in the Nation. In 1966 when title I came on the scene, one child in seven was receiving AFDC assistance. Today more than one of three St. Louis children receive such help. Moreover, it is difficult to persuade the very old and the very poor who constitute a majority of the voters to vote for tax levies.

The last five tries to pass adequate operating tax levies have failed. Our record on bond issues, which require two-thirds majorities, is even more dismal—0 to 8. As "people" institutions the schools are the first to be affected by these depressed social conditions.

Children cannot live in hunger, sickness, and misery at home and not bring their problems along with them to school. From unemployment, poverty, and pent-up frustration come vandalism and crime. Teachers and students have been assaulted and even killed on school premises.

Yet, despite these deterrents to school success, we have noted gains which we attribute to title I. In 1966 before the title I program in St. Louis really started, we found that our 4,000 eighth-grade graduates from title I elementary schools averaged 8 months below the national norms in reading.

In 1971 we found that the average title I area pupil was 6 months below the national norms in reading. This is, of course, a small gain—only 2 months. But it represents for us, at least, a major achievement when middle-class families were leaving in great numbers and the poor were becoming the majority in the city.

These results were also contrary to the findings of Coleman, Sexton, and others who found strong linkages between poverty and low achievement. In 1966 we conducted a similar study which showed that as the proportion of AFDC children in a school increased the numbers of low-achieving children also rose.

Based on this data, as the city increased in AFDC children we should have increased the number of underachievers by 50 percent. But with the help of title I, we actually decreased the number of title I underachievers. A second factor to keep in mind is that title I services may go to only about 20,000 students of the 60,000 in the title I area.

It is upon these 20,000 children that our title I funds are spent. The 2-month improvement from 1966 to 1971 in overall reading achievement in our title I areas is apparently a result of improvements in reading ability of the 20,000 children and the spillover effect of title I inservice teacher education on the other 40,000 children.

At the present time we operate only six projects. Two are quite large and five are of moderate size. The large projects include 100 reading improvement teams (increased from 70 last year) and about the same number of rooms of 15.

The smaller projects include two high school projects for youngsters with severe learning problems, individual nonpublic school projects, a teacher inservice education project, and a summer project which combines teacher inservice and student remedial learning.

The number of projects has been steadily reduced during the last 4 years as a result of our evaluations and the use of cost-effectiveness procedures. The two large title I projects are described briefly.

The reading improvement team project began in 1971, but it builds upon the remedial reading program which has been a successful title I effort since 1966. The purpose of the RIT program is to help the title I schools' poorest readers learn to read well enough to enjoy some of the pleasures of learning and to profit more from their schooling.

The teaching approach is to diagnose the strengths and weaknesses of the students' reading and to prescribe learning experiences which build upon strengths and try to eliminate weaknesses. A team, made up of the principal, reading assistant, remedial reading teacher, an aide, and 10 classroom teachers, focus their skills on the schools' eligible and identified title I pupils.

Approximately 12,000 students, grades 1 through 8, were in the RIT program during 1971 to 1972. The achievement data from standardized tests show that the RIT students improved their skills in reading comprehension. The expected gain for all title I primary students is between 7 and 8 months.

During their year in the program, the RIT students made an average gain of 14.4 months, or almost double the expected gain. The middle and upper grade RIT students made an average gain of 10.5 months or almost a 50 percent greater gain than expected.

Although there were substantial gains made in each grade level, the program seems to be the most effective among the primary students. Grade three made a gain of 16.6 months, which is well over double the expected gain. The title I RIT cost per pupil is approximately $195.

The rooms of 15 project provides instruction for low-achieving elementary school students in grades one through seven. These students receive remedial instruction in the basic skills of reading, language, and arithmetic in classes of not more than 15 students.

There are 99 classes serving a maximum of 1,485 students. Achievement data from standardized tests show that the primary rooms of 15 students made an average gain in the composite score (reading, language, and arithmetic) of about 1½ years.

This is almost an 80-percent improvement over their past record of 7 to 8 months expected gain for title I children. In the middle grades, the rooms of 15 students made an average composite gain of about 1 year and 2 months, or almost a 50-percent gain greater than expected.

A study of students who returned to the regular classrooms after a year of remedial instruction in the rooms of 15 program shows they made a gain (10 months) equal to that of the average students in the Nation. In other words, the ex-rooms of 15 students hold their own quite well when they return to the regular classrooms.

Another measure of success is the rate of attendance. Again this year, as in the past, the rooms of 15 students had the highest rate of attendance (94.1 percent) of any student grouping in the school system.

Despite the generally satisfactory results of title I for St. Louis children, the program as a whole has become extremely difficult to administer in recent years. It seems that any time the U.S. Office of Education finds a flaw in any single title I project there is a new regulation promulgated.

The increase in regulations and redtape of all sorts has had a corresponding increase in administrative costs at all levels. We estimate that administrative work has increased tenfold since 1966. Because St. Louis receives $5.5 million, we must accept the difficulties.

Other smaller districts in the State simply choose not to use the funds because of the restrictions and redtape involved. A report from the Missouri State Department of Education shows that of the 621 local educational agencies eligible for title I assistance in 1971, only 438 actually participated and 54 of those were for summer schools only. Although the report is not complete, we understand that during fiscal year 1972 even fewer LEA's participated than in fiscal year 1971.

The following is a list of constraints that seem to us to be unnecessary and that make the administration of title I programs extremely difficult. I realize that some of the difficulties must be solved in Washington and others in our own State capital.

1. Comparability requirements. As we understand it, the comparability reporting requirements were meant to show whether or not a school system is providing services to title I schools that are at least equal to or better than nontitle I schools in the areas of personnel, instructional materials and other instructional costs.

However, comparability guidelines have been written with the narrow margin of 5-percent variation that compare the average expenditures of the nontitle I schools with the expenditures of each title I school. The variations from school to school within the nontitle I schools are much greater than 5 percent.

Our title I schools are restricted in what they can do by the necessity to apply their State and local funds in a manner similar to the average nontitle I school. There is no constraint upon nontitle I schools' use of their funds. There can be and is immense variation from school to school in the way they use board funds and per pupil cost by item.

The average of those costs, by item, are imposed upon title I schools. Each school must spend at least that much money in that way, whether it makes sense for them to do so or not.

The needs of the children, advice of the St. Louis title I advisory board, the planning of the parents, faculty and community groups are cast aside and replaced by a rigid, centralized operation and control of all expenditures and staffing arrangements.

The comparability requirements no longer allow for solving individual school educational problems with such programs as differentiated staffing, team teaching, computer managed instruction, additional materials, etc. All schools must participate in identical programs in order to keep costs identical.

Comparability requirements treat instructional costs as a direct function of student enrollment regardless of grade level, specific instructional programs or the needs of the children that dictate the service.

The requirements hold the school system responsible for identical costs on the dollar flow within the fiscal year regardless of existing inventories or the initiation of new or experimental programs. Comparability guidelines evidently were written and based on schools with stable pupil population and identical programing for all children.

In a large urban school system we have both a very mobile pupil population and children with a wide range of needs requiring a variety of alternative curriculums. Lack of properly written comparability guidelines and the uncertainty of how to control or carry out the impossible have created procedures in the Missouri State Department of Education that result in removing the decisionmaking authority from the local school system and its constituents.

2. Conflicts Between State and Federal Law. Two major conflicts concern us. Under Missouri law we are limited to providing nonpublic title I eligible children with equipment and supplies during the regular schoolday. We cannot provide teachers, aides, or other personnel services.

After regular school hours we are not limited. Shared time and dual enrollment are also illegal. Since title I is an educational program, personnel are necessary if it is to function well. At the present time, nonpublic administrators and teachers must somehow stretch their time so that the eligible children may be served.

This situation is one which breeds conflict. Hard-pressed nonpublic school administrators understand the problem but are becoming increasingly frustrated by the restrictions. A second conflict arises out of the requirement that title I aid be used to supplement and not supplant State and local sources.

Again, we agree with the principle but have difficulty with the application. Let us provide an example. If we say St. Louis children need help in reading, we write a project to alleviate reading deficiencies. However, according to Federal law, we must first use all State and local resources before applying Federal funding.

Missouri has a law, Senate Bill 15, which provides an annual subsidy of $3,500 for each remedial reading teacher who meets State requirements. However, in order to get the subsidy we must apply a complex formula to each child which assesses his presumed capacity to read based on IQ.

Children who can't read usually also have low IQ's—which would probably rise if we could teach them to read. Accordingly, by using State funds and their accompanying restrictions, we are forced to exclude some children who should receive title I service.

Moreover, the availability of the State Senate Bill 15 remedial reading teacher always stands as a barrier to other modes of teaching reading. As long as we say that children have a reading problem, we must have reading teachers no matter what the prescription for the child's improved reading may be.

3. Limitations on Funds. Our needs assessments show that an additional 20,000 children living in title I eligible areas of St. Louis should be receiving services. Appropriations for title I have never matched amounts authorized in the legislation.

Yet, seemingly, the expectations of the public are based more on authorized funds than upon appropriated funds. In addition, St. Louis has another problem. Because State and local expenditures for education are relatively low, we use the national average cost as the dollar multiplier in determining our title I entitlement.

The U.S. Office of Education uses census data—until now the 1960 census—to determine the number of children in the less than $2,000 group. It uses current State division of welfare data to determine the number of children in the over $2,000 group.

St. Louis loses because of the low rate of AFDC payments paid in Missouri which severely restricts the number of children in the $2,000 family income classification. The city schools also lose because the title I payments are keyed to low State and local expenditures.

This means that our dollar multiplier is unlikely to go beyond the national average. Other cities which have access to more financial resources have a distinct advantage.

They can count more children on AFDC than we can because of the State's higher welfare payment rate and they are paid for each eligible child at a higher dollar level because the title I rate is determined by local and State expenditure.

Earlier this year representatives from the Missouri Department of Education presented a statement to this committee which concluded with a number of recommendations. I would like to endorse these recommendations and then add several additional recommendations.

1. Title I should be rewritten to eliminate a great amount of redtape that has developed over the years. State and local school officials who actually operate the program should be involved in making

specific recommendations for improvement. (Made by the State department of education.)

2. Title I funds should be available to provide special assistance to educationally deprived children regardless of where they live in a school district. The selection of a limited number of attendance areas eliminates many severely educationally deprived children in noneligible areas from receiving the benefits of title I. (State department of education.)

3. Title I should be financed in accordance with the authorization and the needs of educationally deprived children. It is estimated that this would require an additional $2.5 billion dollars for title I, ESEA. (State department of education.)

4. Title I funds should be appropriated 1 year in advance to enable the U.S. Office of Education, the State education agencies, and the local education agencies to plan for the best utilization of funds. (State department of education.)

5. A school or classroom that contains more than 50 percent educationally deprived children should be able to plan supplementary educational opportunities for the title I children that may affect or involve all children in the school or classroom if this is necessary to effectively aid the educationally deprived children. (State department of education.)

6. Title I amendments by Congress and regulations and guidelines by the U.S. Office of Education should provide 1 complete fiscal year's notice before they go into effect to provide smooth transition and program operation. (State department of education.)

7. Educationally deprived children that qualify for title I should remain eligible for a period of 3 years after they reach a level of achievement that would make them ineligible for title I.

This, I think, has been a problem in the city of St. Louis. It has also been a very great problem in our sister city of Kansas City. They were able to bring up a great many of their children to grade level in the first grade, only to have to drop them off and then maybe about the third grade, when they had again become a year or so behind the national "norms," they could again receive title I benefits.

This seems to be a poor way of operating.

Mr. QUIE. May I interject and ask this question because I don't understand fully how it operates. It is my understanding that title I goes to schools in St. Louis where there is a concentration of disadvantaged children and if there are disadvantaged children elsewhere, they don't receive the benefit.

I don't understand how they are taken off if they reach a certain level of achievement. Is there a regulation that comes out from the State Department of Education that tells you that or a regulation from the Office of Education that tells you that you have to take a person off as soon as he reaches a certain level of achievement?

Mr. MOELLER. Congressman Quie, I don't know if it is a Federal or local or State regulation, but we do an annual evaluation of all children in the title I program. I believe that this is Federal.

I believe it comes from the U.S. Office of Education, and we have pretests and posttests on every title I eligible and identified youngster. We find that some youngsters do come up to the level that no longer makes them eligible.

In Missouri a child at the end of the first grade could be 2 months below in the national norms reading test or language or math and at the second grade he may be 4 months and in the third grade he may be 6 months and so on right on up to high school.

By the time we get into high school it is a pretty wide range that the children have to get. They may be way, way behind, but the emphasis is to get them early.

Mr. QUIE. Whether they come up to that point above, we will say, at their grade level, 4 months behind the grade level, they are eligible. If the next year they are above that mark, they would be cut off?

Mr. MOELLER. Yes, sir.

Mr. QUIE. That is the way it operates now. You would keep them on for a period of time. Is that standard you are talking of now, is that Federal or State? Do you know that?

Mr. MOELLER. This is the number of months of retardation that allows a youngster to participate in the title I programs and that is State. I think, though, that the State plan that our State Department of Education has to come in with, they are required to have some type of cutoff and I think that we are probably very similar to almost all of the other States in having these cutoff marks.

I heard other States, or people from other cities, who have complained about this same problem. They get the kids up and then they have to drop them out because they managed to make it just over the next cutting-off mark.

Mr. QUIE. Could you put in the record what the standards are for each of the grades and how they are set? This would be helpful to us and I could go back and look at that point because I don't imagine you have it with you.

Mr. MOELLER. I could give it to you. It is basically for each grade level you add an extra 2 months. At the end of the first grade it is 2 months retardation and at the end of the second grade it is 4 months retardation and at the end of the third grade it is 6 months retardation right on up to the 12th grade.

Mr. QUIE. Does it depend on reading or a number of other factors in the upper grades?

Mr. MOELLER. It is on the basic skills of reading, language and math. There is some difference in interpretation. We are using very unsatisfactory tests at the primary level, so we have been using reading as a proxy for the other skills and it has been accepted by our State.

Mr. QUIE. Thank you.

Mr. MOELLER. 8. Amend section 116.19 of the Federal Regulations to provide that in any case where the State Educational Agency alleges that such agency is not authorized by law to provide for the effective participation of private school children as required by this section the State Educational Agency shall provide the Commissioner with a written statement signed by the appropriate legal officer of such agency setting forth the constitutional and statutory provisions, and case law, which in his opinion prevent the State educational agency from so serving private school children.

The Comissioner will then arrange for the provision of title I services to such children on an equitable basis and the cost of such services will be paid out of the affected school districts' title I allotments. (State department of education.)

9. Comparability regulations should be reexamined. These requirements are currently developing rigor in the school systems. Local school officials should have an active role in rewriting comparability and title I program requirements both at the levels of the Office of Education and the State department of education.

Written guidelines appear to have forgotten the needs of the children for whom the legislation was intended. In the past, restrictions and additional guidelines have been written as a reaction to auditors who have lacked the understanding of what the instructional program intended for children.

Little effort is made to have local school officials informed about audit recommendations until after a reactionary guideline or restriction has been formulated into policy.

10. School districts should participate in the setting of State and Federal title I guidelines. School districts are involving parents, students, and teachers in title I decisions. It would seem appropriate for the people who are to carry out the projects to be involved in setting up the regulations and guidelines which affect them.

It seems to me at this point that the school systems are about the only group that has not been involved in the setting up of these guidelines. We would recommend as sincerely as we can to you that schools be involved in any guidelines that are set up to do this.

I realize the great difficulty in setting the guidelines because we had to do some of this ourselves. If we are to follow through and make sure the programs work, we cannot have these programs which are impossible to administer as we now find them.

Chairman **Perkins**. Let me compliment you on an outstanding statement and especially for being specific on suggestions that will improve the legislation. I agree with most of your suggestions and in particular that we should amend the Elementary and Secondary Education Act and get the local educational agencies more involved, not only with the regulations but with the entire framework of the act.

Why is it that so many investigations and studies come up with negative conclusions about the effectiveness of results obtained under title I? I notice your results. I think they are outstanding. Is it because it has taken a long time, several years, to evaluate the effectiveness or is it because the people doing the investigating have not done a thorough job? What is the reason?

Mr. **Moeller**. Mr. Chairman, to date I know of the various studies that have been conducted and to date none of them have come to St. Louis. I don't know who they are checking, who they are investigating, who they are studying, but we have not had any of these researchers come into our city.

Chairman **Perkins**. Doesn't it make you believe that some of them are intentionally downgrading the effectiveness of title I?

Mr. **Moeller**. Mr. Chairman, I have to agree with the previous person who was talking about the fact that the first year or two of title I we were fumbling, we were trying to find our way.

There were instances of ridiculous things like people evaluating health programs with reading tests and things of this sort. Obviously, you are not going to show any results and yet these things did occur because there just was not that kind of experience.

I think that at this point most of the cities that I have anything to do with are very much more sophisticated insofar as research is concerned. I think that we have brought the very best that the university or best of the university researchers into our operation.

They have helped us and I think that we have made some good progress. I think that the results you see today will be much more targeted, but I again have to say that if a test is not apropriate to what the teachers have been teaching, this test should not be used and yet this has happened in the past.

I would attribute most of the "no significant difference" that most of the national studies have shown to be exactly that. If they found out more exactly what the school district was attempting to do and then found tests that would be able to assess this, I think we would make good progress.

In Oakland, talking about performance criteria, we are doing this same thing. We will go much more into specific objectives and from that we will have performance criteria that children can demonstrate. We will never, that I know of, leave the norm-based test entirely, because we could very well be going off in the wrong direction.

We must, I think, continue to use the norm-based test at least on a sampling basis to tell how our kids are doing compared to children across the Nation. I think that many of these national surveys were perhaps inadequately designed.

I think there should be another relooking at some of these surveys because I do not believe they are telling the true story of title I in this country because I know that there are other cities that are having similar experiences and yet most of them that I talked to are not part of these national surveys either.

I am just wondering about the sampling procedure that the national surveys may be using. I wonder who they are surveying, in other words.

Chairman Perkins. Thank you very much. Mr. Quie, do you have any questions?

Mr. Quie. Thank you, Mr. Chairman. On the national surveys, I always question the age of the data. So often it is 2 years old, and you asked the gentleman from Oakland what the results were out there from statistics 2 years old and older.

It would be an altogether different story from what he told us this morning, I assume. I appreciate your and Mr. Webster's admitting that things were not so good at first, because we learn a lot from this, and I know many administrators were not at first willing to admit that.

I think there has been tremendous progress in title I as people have learned how to use it. Would you now be able to identify in your school students who should be eligible for compensatory programs, someone else not only from title I but many others who, if money is available, could be brought in? Can you identify them?

Mr. Moeller. Yes, sir; we do. We have a system whereby we take the children who live in the title I area, whether parochial or public school children, and they are then literally ranked according to the criteria at each grade level.

We take the most educationally retarded youngsters, so the criteria that I mentioned earlier that the State department of education is using, we are going far below this. The youngsters that we are serving, if we were to take all of the children who met the State criteria, we would probably need money for 40,000.

The State of Missouri has been staying with a $250 cost per student. In other words, we take our allocation, divide $250 into it and that tells us the number of students that we can serve.

We simply then go to our list, cut off at the appropriate place and we know the children then who are supposed to be in the program. We think there should be a great many more. In addition, we feel that because of the serious problems in the cities that we need to start looking at all of the children who may be in need of the service.

I think that the original idea of title I may be almost a victim of its own success from this standpoint. We need so much more of what title I can do, but we need it more broadly. We need to have some of the handcuffs taken off, which I am afraid have developed over the last few years.

I do realize that we need to have restrictions so that corruption or misuse of funds or whatever has happened will not happen. I hope that there can be some flexibility in which this can be done that will also take in the needs of auditors.

Mr. Quie. I think the handcuffs that were put on mostly were put on to get the programs operating so you would produce results rather than continue the experience you had in the first 4 years, but I think everyone wants to do a good job in education and as they learn maybe some of those can be removed.

It is also difficult to replicate in another school what went on at some other school in the country. Let me ask you this. Since you know who is educationally disadvantaged now how would you feel if we provided assistance based on the number of educationally disadvantaged you had in the State rather than the number of children that come from a family of $2,000 income or less based on census information and those who are on welfare but receive more than $2,000? I might add that this school year you are still using 1959 information.

Mr. Moeller. This is a very difficult question. I think that we could pretty well use—I would like to say that a school system should receive funds based on some kind of poverty criterion or something of this sort.

I think within the school system we could allocate the resources to the schools that are most needy, but I think that if the thing—I think what you are saying, if I understand you correctly, Congressman, is that we would, that we are thinking rather about allocating resources to school systems based on student achievement, is that it?

Mr. Quie. No, based on the number of students that are underachievers, like now we allocate money for handicapped children for special education based on the number of handicapped in the State.

Mr. Moeller. This would cause me some anxiety. I think we all want to do as well as we can, but I do think this may be a little difficult to do at this time. I would hope we could continue to use some other social indicator for the allocation of resources and then allow the resources to be used within that school system according to the needs that the school district determines it has.

Mr. Quie. Why do you feel this? I don't understand why that should be necessary because there is a greater percentage of educationally disadvantaged among the poor but just because you are poor does not mean you are disadvantaged. There are educationally disadvantaged students who do come from families that are not poor.

Mr. MOELLER. Let me give you an example that happened about 1967 in one of the most depressed schools in the city of St. Louis. We had a principal who was outstanding as a language arts consultant. She spent many years doing this previous to her being assigned as a principal.

Through all sorts of things, all sorts of methods, this principal was able to get the achievement level of that school up. We were using the method, simply saying, we were looking at schools based on achievement and assigning teacher aids to schools based on the achievement level of the youngsters.

This seemed eminently sensible, as your suggestion is. This caused a great deal of difficulty. The teachers thought they were not being treated right but were being misused because they were not getting the extra help because they received no aid under this formula.

This is the kind of thing that could happen. I think because a school district is doing a good job it should not be restricted from getting extra resources to possibly do a better job. I am afraid there could be a lot of hard feelings.

Test results are not that firm as yet. In St. Louis, to try to keep our test results as accurately as possible, we administer the Iowa test of basic skills over the radio. This has been done now for about 4 years. We feel that we get a single kind of administration.

I think there is also a possibility there would be misinterpretation and misunderstanding and hard feelings if a district were limited in the kinds of resources it got for this reason.

Mr. QUIE. Why doesn't that same feeling exist now between school districts on the amount of title I they receive? I don't think you could devise a more inequitable formula than we are presently using. For example, because New York had a higher expenditure than anyone else did per pupil in 1965 their share keeps growing under the formula all the time. Therefore, Missouri as a State does not fare well.

I think you could do the same thing within the State. To give you an example, you could have a rural area in Missouri which just happened to have rains on it in 1959, did not have rains on it and they would benefit for all of these years since then by the fact they did have a poor crop year in that 1 year.

That would seem inequitable. Why hasn't anyone fussed about that?

Mr. MOELLER. I think you are using another social indicator when you use poverty and ADC. That does not reflect upon the school system itself. I think that has been a great strength in title I.

I think we have a good deal of evidence that shows when there are a great many poor youngsters there are a great many difficulties and that teaching is just plain tougher. I think if we ever got to the point where teachers would say, "You are rewarding people for not producing," then I think that would put us in a bad position.

I think that would be, frankly, the thing that would concern me most. I think with any school system we can reallocate the resources to the areas that need them the most. I think, though, if you are going to allocate resources to school districts, based on their achievement level, that this would cause a great many problems and real conflicts. I think it could become a game, in effect.

Mr. Quie. Could we reallocate within the State?

Mr. Moeller. I even think that would be wrong. I do not think that we could live with that either, Congressman.

Mr. Quie. But you can live with it or reallocate it within the districts where the fighting is between the schools and not the districts?

Mr. Moeller. Yes; I think the need is very apparent here. I think I would like to see greater flexibility. Poverty is a very important factor, but when a school is having a 200-percent mobility rate, this, too, is a factor which we never really put into any of our formulas.

There are a great many other factors which should be considered. I think that some freedom should be allowed according to the local problems. I think we could stand before the people in a local school district and demonstrate that the money is being used as well as possible, but I think if you tried to do this between districts it would not work.

Mr. Quie. Is that because boards would be fighting between each other rather than principals?

Mr. Moeller. This is a possibility; yes.

Mr. Quie. You know, I can't understand why this should be the case other than your dealing with different administrative units. If a school principal works with the teachers and has experienced teachers and brings the level of the school up so it doesn't receive its title I money any more. I don't see that that is any different from the whole school district's bringing its level up and not receiving the money any more in relation to the State.

Mr. Moeller. If testing procedures were absolute and you could assure that each district was administering tests exactly the same way, I think you could have a good measurement. There are great varieties in methods of administration and rigor, I think, is needed, certainly.

Mr. Quie. I know it is, and there would be some mistake, but it is interesting to me that school people do not mind mistakes that are much greater than that, as long as someone else is making them, in allocating the money, than if they made the mistake themselves in the allocation.

Mr. Moeller. I think we do mind, and I think part of the minding is my present fear today, Congressman, but I think we have to stand in front of our local population and I think we have to show that we are trying to do as good a job as we can.

If we had to come in and say that our children were up another month and, therefore, we had lost $5 million in Federal money, this would be a very difficult thing for any board to try to explain to its people.

Mr. Quie. Yes, I know that is the case. You know, no one has been in here from Pennsylvania telling us this is a terrible formula because across the line in New York they get two-thirds more money per pupil than Pennsylvania.

We have gone through these years and I am willing to champion the cause, but everyone says it is great the way it is going. I yield to Mrs. Hicks.

Mrs. Hicks. Thank you very much. I want to commend the doctor also on his very fine presentation and I am very much interested in your recommendations relative to the title I funding.

I wonder if you would also support a further recommendation that the title I funds should follow the child wherever he goes, because in the process of integrating the schools we have the problem in many places of title I funding not following the children and it makes it more difficult in the educational process.

I wonder if this would meet with your acceptance, whether you feel we should have legislation regarding it?

Mr. Moeller. I believe that the funds should follow the child. It becomes administratively a very difficult thing for a school district to do, and I can sympathize with any school district that has a lot of busing. We have several thousand youngsters who are being bused each day.

We are attempting to have the service follow the children. When the child goes into a non-title I school, and there may be only five or six eligible title I children, we have found the most effective program is to allow the child to participate on Saturdays and in the summer back in his own home district rather than setting up individual use comparisons between the children who were bused in and the local population.

We feel that this has been the best way to handle it. So far it has worked out, to have special programs in the child's neighborhood both on Saturdays and during the summertime. If we have a large group of children, I think it would be very worthwhile to set up a special program in the schools.

I would urge, as forcibly as I can, that local schoolchildren be allowed to participate in this program at that time because we do not want—we want integration, we don't want further separation.

That is what could happen if the youngsters who are bused in get the special service and the other children in the receiving schools do not.

Mrs. Hicks. That is why I liked your recommendation five, which, if it were carried forward, would certainly be of great help to us in Boston where we have that problem of a racially balanced school because children were brought from affluent neighborhoods and now with the title I restrictions they are forbidding programs to be carried out in the classrooms.

I would hope that recommendation would be accepted by HEW. Are you still using your money for rooms of 20?

Mr. Moeller. Yes; we are. The project has been changed just slightly to rooms of 15 also to conform to Senate bill 15. We are phasing these programs out a bit. We have instead of 99 classrooms around 70 this year because we feel that the reading improvement teams satisfy the needs much better except for the children who are seriously retarded educationally. We are conducting them and we still are very encouraged by the success of the program.

Mr. Quie (presiding). We visited the programs and it was indicated there was no discernible improvement in the educational improvement if you dropped from 33 down to 20. Have you found any more achievement when you have gone to 15?

Mr. Moeller. Actually, we found that the fact is—and I don't know where your data for that is, Mr. Congressman—we have always had a minimum of a 30-percent gain, usually more like 50 percent, in these rooms over the past rate of learning for the year they were in the room of 15.

We had one year when I think there was a transition. We made a number of changes which we were not very happy with, and we then changed back to a centralized operation and we turned it over—we decentralized the rooms of 15 operation and recentralized.

I think the operation has become much more effective. Possibly in that year, I think it was about 1969, the rate dropped to about 30 percent over the past records, but they have always made gains over their past performance in the rooms of 15.

Mr. QUIE. That is different from what we received in the way of information when down there visiting. Have you done a report on that project?

Mr. MOELLER. Yes; we have.

Mr. QUIE. Could you send us a copy of that?

Mr. MOELLER. I would be happy to. There is a very brief report in my statement.

Mr. QUIE. Yes.

Mr. MOELLER. You might want to take a look at that.

Mr. QUIE. Yes.

Mr. MOELLER. But we have a much more complete report which I will provide you.

Mr. QUIE. Thank you very much.

Mr. MOELLER. Thank you very much and I appreciate the time you have given me.

STATEMENTS OF JAMES HAZLETT, ADMINISTRATIVE DIRECTOR, AND J. STANLEY AHMANN, STAFF DIRECTOR, NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

Mr. QUIE. Our next witnesses are Dr. James Hazlett and Stanley Ahmann of the National Assessment of Educational Progress program. I assume you both want to appear together?

Mr. HAZLETT. Yes, sir. Mr. Chairman, I am James Hazlett and I am director of the elementary-secondary education services for the Education Commission of the States and in that capacity I am the administrative director and chairman of the policy committee of the National Assessment of Educational Progress, generally referred to as the national assessment program.

I was thinking, as I sat here this morning, that had there been a National Assessment program started 15 or 20 years ago there might have been put into your hands valuable tools to help in the evaluation of funding of certain categorical programs.

The National Assessment program is the very first effort in the country to get what we would call dependable achievement data on school population groups on a national basis and administered in a uniform manner.

We all know that for years we have had input statistics on class size, and teachers, and things like that, and we all know that standardized tests have been used in various school subjects and local and State systems and they have performed a valuable service of distributing pupil performance around a middle score called a norm.

It is these particular tests that have been used in cutoff points of eligibility for title I funds, as we have learned this morning.

It is interesting to note that in a sense if we used the norm as a cutoff point, half of the children in the country might be considered disadvantaged, but there has never been a uniform national picture of the nature of learning in descriptive terms.

Without going into detail, National Assessment samples four age groups—9, 14, 17, and 26 to 35, numbering 100,000 people, selected in such a way that the sample represents the total population and they test two subjects that are common to the elementary and secondary school curriculums each year.

The test items are devised and they are selected in terms of instructional objectives and both the items and the objectives have been determined through a process of consensus which has involved subject matter specialists, school practitioners, and laymen, ranging from Wayne Morse to Bill Buckley, who have served on review panels for some of these things.

The results are then reported on each item, in terms of the percentage response to all possible answers to that item, and over half of the items are publicly released or viewed. Item responses are not summed up into scores. There are no norms and there are no standards. There have been median scores, however, for a series of items, say for 9-year-old science.

Comparisons by medians have been made by four regions of the country—sex: black/nonblack: size and type of community, such as the central city, affluent suburbs and the rural area: and then the educational level of the parent.

Data collection which began in 1969 in science, writing, and citizenship, goes through 10 subject areas as listed in the statement, and one of the interesting things will be an attempt to get at basic and appropriate job entry skills for high school juniors and seniors.

In just a minute Dr. Ahmann, the technical staff director, will identify some of the problems and give some highlights of the results to date. It is our feeling and the feeling of the education commissioner of the States that there is no need to have a national assessment of education unless it can be a useful tool in improving education.

Back in the early days of planning, which go back actually to 1963, a number of things were envisioned for National Assessment. First of all, we would have actual information about the quality and the scope of achievement in a comprehensive and scientifically determined manner rather than through anecdotal methods of individuals.

It was also envisioned that State and local school systems could be compared in terms of pupil achievement and periodic assessments could note progress or lack of progress over time.

Hopefully there could be a comparison between different subjects and then one of the objectives was to see if input factors could be identified to tell what were the things that made a difference, whether it was a class of 15 or experienced or inexperienced teachers that made the difference.

It might be possible to separate the learning that occurred in school from that which occurred out of school. Some gave thought to other kinds of values, one of which was an educational index, and they often likened it to a gross national product type of educational index.

Are any of these objectives being realized today? Yes; there are three or four things I think that this limited experience has shown. It must be remembered we are not using standardized tests. We are using new instruments. We are using sophisticated sampling procedures. We are using innovative analyses.

Today we have demonstrated that National Assessment can measure information about childrens' learning levels on a national basis and by the categories that it uses. It can do this because of the sampling technique and the computers and the continuing interest of some of the Nation's leading statisticians.

National assessment has also indicated that it can show variations in pupil performance by socioeconomical groupings and ethnic groups. It has also built in a mechanism that can compare achievement over time and hopefully, as it is set up now, every 5 years.

We also know that States can use the National Assessment model to get results that are comparable to national and regional results and for internal breakdowns of their own. For example, the state department of Connecticut has just released a statewide reading assessment based on the National Assessment model and using those reading materials.

During the coming year, 1972 to 1973, there are four subjects that the National Assessment staff and committee will want to explore. One is this business of trying to identify and measure the things that make a difference in education.

A second is to try to determine what is the significance of a certain percentage response to a question. Is it good for a 9-year-old to know this? Is it a poor demonstration for only a certain percentage of 13-year-olds to be able to respond to this?

We will undergo an attempt to try to determine desirable or hoped-for levels of performance. Likewise, there is an interest expressed in trying to report results not only by black/nonblack but by bringing in results for the Spanish-surnamed population in the country.

Financially, we will want this year to analyze or consider ways to consider some comparisons of achievement levels, say of science with that in reading. There are certain other values that are being considered such as the possibility of developing an educational index. We are far from that at the present.

In my statement I have indicated that with the assistance and cooperation of our monitor, which since last October has been the National Center for Education Statistics, hopefully we can work together in getting meaningful achievement data to be used for planning of various kinds.

Thank you, Mr. Congressman.

Mr. QUIE. Before I recognize Dr. Ahmann, in these various things that were achieved back in 1963, is it correct you are just not getting at all of them now, and there is a listing of all those that you hope to accomplish?

Mr. HAZLETT. These are the kinds of things that in various discussions those who founded the project think might evolve over time. Then I tried to indicate among those what we feel we are confidently doing and then four things this year we want to address ourselves to to make it more meaningful.

Mr. QUIE. I think I ought to get another member back here with me before we continue this session, so we will go off the record.

(A brief recess was taken.)

Chairman PERKINS (presiding). You may proceed, Mr. Ahmann.

Mr. HAZLETT. Mr. Chairman, I finished my remarks and Dr. Stanley Ahmann, who is staff director of National Assessment, is going to follow me. If we might go ahead together, we would be glad to answer questions.

Chairman PERKINS. Please proceed, Mr. Ahmann.

Mr. AHMANN. Thank you. My remarks are divided into four classifications. First, is a brief summary of the nature of findings of the National Assessment and second, is a comment or two about work we do with various States.

Third, are some of our efforts to gain interpretation in National Assessment data and finally, possible impact of National Assessment data on Federal legislation, Federal planning. National Assessment has gathered a huge quantity of data during its short life.

To date, assessments have been conducted in seven learning areas, the data of five of which have been analyzed. These are science, citizenship, writing, reading, and literature. The data for music and social studies were gathered in 1971–72 and are now being analyzed.

The number of exercises (or test items) used in each assessment varies according to the learning area. It ranges upward to 500. The primary manner of reporting National Assessment results is to report the percentage success and failure for various subgroups of students for each exercise.

Consequently, literally thousands of pieces of data are available about the performance level of American youth in terms of the five learning areas now being reported. For our purposes today, it is better to omit the data from individual exercises and concentrate on the data for the learning areas considered as a composite; in other words, science, reading, writing, and so forth.

When one does this, one finds a large degree of consistency of National Assessment findings from one learning area to another. This is to say that the differences in relative achievement among subgroups of the sample are largely consistent in direction even though they may not be totally consistent in size.

First of all, let's consider geographic regions of the United States. The foregoing can be illustrated by examining the achievement levels of some of these subgroups. For instance, the level of performance of the northeastern portion of the country is consistently higher than that of the other three regions.

The lowest level of performance is consistently found in the Southeast region. It should be noted, however, that these differences are comparatively modest. For example, the Southeast deficit normally is no more than 5 percent below the national average.

Let's turn to the size and type of community where the students come from. Consider for the moment the performance of young Americans from the inner city, the rural areas, and the affluent suburb. Incidentally, each of the three is slightly less than 10 percent of our national sample. The first group typically performs least well, and by a wide margin.

The rural students do somewhat better but still well below the national average. Finally, the affluent suburb students exceed the national average consistently by an important margin. It is clear from the National Assessment data that the educational level of the parent of the respondent is also a vital factor in his level of achievement.

Students with parents who have only a grade school education perform least well of all. As the level of the parents' education increases to some high school, then to completion of high school and ultimately to post high school education, the performance level of the child increases markedly in the five areas of achievement assessed.

The performance of black respondents was consistently below the national average and in the case of science as much as 15 percent. The science data also revealed that male respondents generally perform better than female respondents.

The reverse was true in the case of writing and reading, and almost no difference was found in the case of citizenship and literature. These findings and many more that might be mentioned do indeed raise challenging questions for educators and laymen alike.

Within the past year the National Assessment program has made a steady effort to explain its model and methods to staff members of the State Departments of Education of the various States.

Two workshops for these personnel were conducted, one in 1971 and one in 1972. As a result of these workshops and other contacts made at the various State capitals, the methods and procedures of National Assessment are being adopted when suitable at the State level as the various States attempt to determine their levels of student achievement, often in response to State legislation requiring such action.

Smaller educational units have also expressed interest in and have adopted part of the National Assessment model and methods: for example, Montgomery County, Md., and San Bernardino, Calif.

Prominent among the States that have used at least some of the National Assessment methods and procedures are Connecticut, Iowa, Massachusetts, and Maine. Since many States are only now in the planning stage for such statewide assessments, the list will grow longer as these plans materialize.

For instance, only recently members of the staff visited States such as Minnesota, Missouri, Colorado, and Wyoming. How are these data utilized?

Beginning early this year the staff of National Assessment has actively encouraged the use of its materials and data by State superintendents of public instruction and their staffs as well as by individuals and organizations not directly connected with American education.

Task forces and conferences have been and are being organized for the purpose of interpreting the great mass of National Assessment data already in being. Furthermore, the staff has participated in national, regional, State, and local conferences sponsored by a wide group of professional and lay organizations.

National assessment's technical reports are factual and detailed, and do not attempt—I repeat, do not attempt—to make interpretations or value judgments concerning the findings for educational practitioners and decisionmakers.

Since this is not the function of the staff, steps have been taken to implement procedures whereby interpretations and implications are systematically generated and acted upon by educators, scholars, education policymakers, and the lay public.

Since meaningful interpretations of the data probably cannot be accomplished by casual reading or brief inspection, National Assessment has entered into contractual arrangements with different organizations in order to obtain intensive studies which would yield interpretation suitable for curriculum development, classroom practice, and textbook preparation.

Currently a committee of the National Science Teachers Association is at work studying the science data obtained in the first assessment. Discussions are underway to establish other task forces to study various achievement data.

Some of the organizations with which these discussions are taking place are the American Association of School Administrators and the National Council for the Social Studies.

In October a conference is being held with research directors of all members of the Council of Great City Schools for the purpose of examining the National Assessment data from the urban centers in order to better understand the levels of performance of students in these cities.

Finally, what use might be made of National Assessment data in the case of Federal planning and programs? As National Assessment gathers more and more benchmark data and adds to its progress data in 10 learning areas, the number of possible studies based upon these data greatly multiply.

Procedures are now being established whereby secondary users will be able to tap this large data bank. For instance, it is anticipated that staff members of the National Center of Educational Statistics and the right-to-read program might wish to conduct studies based upon National Assessment data which would provide invaluable information regarding the nature of the target areas for future Federal programs in education.

National Assessment data provide the most complete look at the profile of educational achievement of young Americans today. As such, it is an invaluable resource for education planners at both the Federal and State level.

It is reasonable to assume that in the future as in the past, Federal policymakers in education will be confronted with difficult situations comparable to those of the "Sputnik" era, and with legislative questions that lead to legislation such as the NDEA Act of 1958.

Conceivably a large bank of data concerning the educational performance of young Americans would be a source of information of incalculable value when Federal policymakers are faced with questions such as these.

Chairman PERKINS. Your National Assessment is funded by grants from the Office of Education primarily?

Mr. AHMANN. That is right, sir.

Chairman PERKINS. Who organized the National Assessment group?

Mr. HAZLETT. The National Assessment design was organized by an exploratory committee headed by Ralph Tyler and a group of educators and funded by the Carnegie Corp. The period from 1964 to 1969

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was largely foundation supported as an exploratory developing instrument seeking out sampling procedures.

Data collection began in 1969. During that year the Education Commission of the States was asked to take it over from a number of groups.

Chairman PERKINS. Have you recently made a complete evaluation of title I as to the results obtained in the various States and school districts, local school districts of the country, your organization?

Mr. HAZLETT. No. The National Assessment design, the samples drawn, are of such character that they can report only national and regional results. They cannot report State results, let alone school results.

Chairman PERKINS. Have you evaluated title I from a national and regional level?

Mr. HAZLETT. No, not directly. We have evaluated segments of the population which, to a large extent, are served by title I, such as the central city and remote rural areas, but not the direct effect of the legislation, simply subgroups which title I largely serves.

That does not mean, though, national assessment as an evaluative tool might not be utilized and we are in 2 weeks, as Dr. Ahmann said, going to meet with the research directors of the Great Cities Council to see if the particular kinds of instruments, which are not standardized tests, can be of any use in the Great Cities particularly.

Chairman PERKINS. I believe you stated that the rural areas, from a national viewpoint, are lagging far behind the suburban areas of the country insofar as quality education is concerned, am I correct?

Mr. HAZLETT. Right.

Chairman PERKINS. What is your suggestion as to how we are going to increase the level of education in the rural sections of the country to bring it up to the national norm? In your judgement, what is the best way to do that?

Mr. HAZLETT. I am not prepared to speak authoritatively on that subject at all. There is a high correlation in the results between the education level of a parent and the size and type of community, but I am not prepared to speculate on that.

Mr. AHMANN. There is one feature of the data that may shed a little light on the question. The deficit of the rural area is largest when we consider the kind of academic subjects that we normally think of as schoollike.

I am referring to science, reading, or writing and it is less pronounced when we consider things that are less schoollike. For instance, citizenship might well be done if one is to look at national assessment data and try to prepare a program for rural areas.

They would do a rather traditional thing, namely, concentrate on what people would call simple book learning, the basic skills.

Chairman PERKINS. What I am driving at is whether we should have the separate program, in addition to what we presently have, to do a better job from the standpoint of improving elementary and secondary education in the rural areas? Do you have any suggestions along that line?

Mr. HAZLETT. The chairman recognizes, I am sure, some of the trials and tribulations that national assessment had in coming into being with the opposition of the school administration.

Chairman **Perkins**. Yes; I understand it takes numerous years to get it.

Mr. **Hazlett**. Now we find 95-percent cooperation, incidentally, in the schools that are in our sample, but it has been our policy that we do not interpret or speculate on the data but that we do aggressively take our data to organizations who, upon going through it, might come out with recommendations.

This question that you just posed is one that we certainly will endeavor to take to States and to the rural educators because the data does show a need similar to that in the central cities.

Chairman **Perkins**. Title I, as you know, is designed primarily for the low-income rural areas and the ghetto sections in central cities. In your judgment, do we need that type of a program to continue in the future?

Mr. **Ahmann**. If one looks at the National Assessment data for the extreme inner city, the answer would have to be, "yes." The extreme inner cities, as I pointed out, are slightly less than 10 percent of our sample and it deals with the core, the poor, the deprived and disadvantaged area.

If the deficits are large, if people as a group fall below the national average for 9, 13, and 17 groups and the adults—the four classifications—you will normally find the largest deficit there.

Furthermore, when we check the black respondents, again the deficit is large. If one checks the level of parental education and finds the grade school parent and then tests the child of the grade school parent, the deficit is again large.

I do believe that at least in a gross way we identified a target population here that needs help and title I can help.

Mr. **Hazlett**. I would like to point out the State of Connecticut recently pointed out a State assessment on reading, using the National Assessment materials and model. The northeast part of the country consistently scores superiorly in all of the subjects in which we assess the students.

Connecticut, as a State, in reading scored higher than the national median, higher than the regional median, except that its biggest cities scored lower than the biggest cities of the region or the biggest cities of the Nation.

To me that then becomes a point that should be addressed within the States, that here by contrast may be a worse situation maybe than other larger cities have.

Chairman **Perkins**. Let me thank you gentlemen. You have been most helpful to the committee.

STATEMENT OF EUGENE SAMTER, EXECUTIVE SECRETARY, CONFERENCE OF LARGE CITY BOARDS OF EDUCATION OF NEW YORK

Chairman **Perkins**. Our next witness is Dr. Eugene Samter, executive secretary of the conference of large city boards of education of New York.

Doctor, identify yourself for the record and proceed in any manner you prefer. Without objection your statement will be inserted in the record.

Mr. Samter. Thank you. Mr. Chairman. I do have a statement, copies of which I have placed on the table.

Chairman Perkins and Members of the House Committee on Education and Labor—until last month, as a staff member of one of New York State's largest city school districts. I had the responsibility of assessing Federal legislation and preparing testimony in this regard to be presented to this Committee, the appropriations committee and to their counterparts in the Senate.

In my present role as executive secretary of the conference of large city boards of education of New York State—an organization representing New York's five largest city school districts of Buffalo, New York City, Rochester, Syracuse, and Yonkers—I was again given the opportunity to prepare and to present reactions concerning ESEA and other educational support programs of the Federal Government.

In the preliminary stages, I was surprised and chagrined to find that little, if any, of the previous presentations contained a comprehensive statement of public school fiscal policy.

We have mentioned reordering national priorities in order that public education and its financial support be held in higher esteem, yet we have failed to describe this higher esteem.

We have not made clear the rationale which leads us to the conclusion that public education is a concern of local, State and National significance such that it demands higher placement in our scale of values.

I can think of no more appropriate time to correct what we have overlooked in the past than at meetings designated as oversight hearings. To understand our view of the Federal role in public educational policy, it is first necessary to outline the responsibilities of the other partners—State and local school districts.

New York State is charged by its constitution with the responsibility of maintaining and adequately financing a public education system. From that initial charge has evolved a State policy which includes the goal of assuring quality and equality of educational opportunity for every child, with that goal to be most effectively accomplished within the framework of local adaptability to meet local needs.

Recent court decisions have reminded States such as New York that there is a credibility gap between preachment and practice in this regard. From some 50 cases, it appears that the quality of a child's education as measured in per pupil expenditures depends on geographic accident.

Consequently, the Conference of Large City Boards of Education proposes that the objective of the New York State Legislature be to move toward full funding by the State of total educational costs.

There are three imperatives for this long-range objective: First, a retention of local control of local educational policies and programs with concomitant accountability; second, a formula for distributing school funds which recognizes educational needs based on variable costs of programs suitable for all types of pupils; and third, a method of raising revenue for schools which reduces or eliminates reliance on regressive tax bases and recognizes the impact of municipal overburden.

Now the obvious question is how does all this involve the Federal Government? There are at least three connections. First, the reminder that the States are failing to provide equal educational opportunity is based on the Federal constitutional enjoinder that no State shall deny to any person within its jurisdiction the equal protection of the laws.

Second, State and local resources for financing are exhausted. In the large cities like New York the situation can be succinctly described as one of burgeoning needs versus decreasing resources.

This kind of credibility gap can only result in social, educational and financial bankruptcy, unless there is greater Federal involvement in school financing.

Third, and related to the above, the Federal Government has a vested interest in the educational systems as they impinge upon problems of national scope, such as poverty and unemployment.

As a basic premise, therefore, the Conference of Large City Boards of Education holds that education is both a State responsibility and a national fundamental interest. The role of the Federal Government should vary to the extent the State assumes its responsibility in equalizing the financing of education and to the extent that special national concerns are identified.

What we are saying is that the national interest in providing quality and equality of educational opportunity reflects a dichotomous thrust. First, it calls for a Federal contribution to require and/or stimulate New York and other States to move toward equalizing the financing of education.

This can be accomplished by means such as general education aid, education revenue sharing and general revenue sharing. Impending adoption of H.R. 14370 is a significant first step in this direction.

Second, and equally important, the national partnership role calls for Federal funding at the level of authorization for areas of special national interest such as education of the economically disadvantaged, education of the handicapped, career education and areas impacted by Federal activity.

Mr. Chairman, it is at this point that my testimony refers specifically to ESEA title I. I recall with vivid pleasure the time some 7 years ago when the Chairman of this Committee described the intent and design of ESEA title I, of which he was a major architect and proponent.

ESEA was a master stroke. I use this complimentary term advisedly, for ESEA title I had and has the special capability of addressing itself to both fundamental and special national interests.

It recognizes the need to equalize educational opportunity, but it focuses with tunnel vision on the most significant obstacle to the achievement of that objective; that is, the problem of poverty which works to disequalize educational opportunity, particularly in the large cities.

How well has it worked? In the brief time since having been notified of these hearings, it has not been possible to collect current information from all cities that I represent. Let me remind the committee, however, of testimony presented to it by Buffalo School Superintendent Joseph Manch in 1969.

He reported statistically significant gains in reading and arithmetic achievement for children involved in a title I program of remedial assistance. In addition, pre- and post-test measurement of boys and girls in a title I pre-kindergarten program showed gains of 8 and 9 points in intelligence quotient.

The 1971–72 evaluations of the same or similar title I programs in Buffalo again show statistically significant gains, particularly so in the pre-school programs where I.Q. gains of about 10 points have been recorded.

Of course, we must neither overinterpret nor misinterpret such so-called hard data gains, any more than we should accept precipitously the much-publicized recent report that schooling has little effect in reducing poverty.

At the very least we can say that there is evidence that the large cities in New York are geared to use ESEA title I effectively. There is undoubtedly truth to the contention that certain lockstep concepts of instruction are barring our path to more effective use of Federal funds.

Yet, the major obstacle is still inadequate appropriations. The Syracuse, N.Y., school district, for example, reports that its 1971–1972 title I allocation served 7,300 pupils at an average expenditure of slightly more than $400 per pupil.

Yet, they have plans on the back burner, so to speak, whereby they could serve an additional 1,200 eligible pupils with an overall average expense of $600 per pupil. The outline of these plans is attached to my printed statement.

There are other examples, including the response by the Buffalo public schools to a questionnaire distributed by the chairman of this committee in July 1971. In that instance, it was indicated that ESEA title I funds amounting to some $5 million in 1966–1967 would have to be increased to meet unavoidable cost increases but could effectively be increased nearly five times that amount.

Since 1966, the Federal Government has enacted over $90 billion worth of legislation to redress the environmental, physical, or other factors which deny all children an equal educational opportunity, to provide vocational and adult schooling, to strengthen public and private education from preschool age through adulthood.

The laws were passed, but the money was never produced. About $30 billion was appropriated, a promise only 33 percent honored. I fully realize that this criticism might better be focused in the hearings of another committee.

But it is important to point out to this committee in its oversight on title I effectiveness that, given only partial funding, it is somewhat illogical to expect assurance that the legislative goals for title I will be achieved.

On the contrary, anything less than full funding may well be false economy, especially as it spells premature death or disfigurement of an idea so well conceived.

Mr. Chairman, on the topic of presently authorized programs these remarks have been limited primarily to ESEA title I. Many of the same remarks, however, could be extrapolated as an overall assessment of present and pending legislation affecting schools.

In particular, I am grateful for the opportunity to record a statement outlining a suggested public school fiscal policy which interfaces local, State, and Federal governments in a common effort to achieve quality and equality of educational opportunity.

Thank you for this opportunity to testify.

(The attachment referred to follows:)

Additional Need for ESEA Title I Funds in Syracuse, N.Y.

A. Interest Centered Schools (4 schools of 500 children each)

Many children, parents and members of the community are searching for alternate educational programs. Three major goals that seem to be shared by the great majority of the children, parents, teachers and members of the community-at-large are:

1. The school must be safe and secure so that the educational activities can take place without physical or mental threat to the students and staff;
2. The community must become more involved with the school—a partner—since the school will fail without the support of the community; and
3. The school must be geared toward individualized instruction so that each child will be educated to the potential of his own individual ability.

A type of school which meets all three of the goals is an interest centered school. Such a school would have the following objectives:

1. To establish a program/school in which the curriculum is built around certain interest areas commonly shared by the student body; e.g., school of journalism, and program of performing art;
2. To assure all students who attend or participate in such a school or program that the normal skills and concepts found in the general school will be included in the curriculum;
3. To capitalize on the interest of the students by having the so-called academic discipline of English, social studies, mathematics and science taught by using materials, projects and other resources which emphasize the common interest of the students. For example, in a school of performing arts, the poems, dances, songs and plays which were current at the time of the Civil War would be included in the unit or course on the war;
4. To make it possible for students with certain interests to engage in independent research and projects as well as group activities which further their skills and knowledge in and of a certain interest area. For example, in a school of fine arts, a student might do deep research on Rodin and write a play about his life;
5. To make it possible to have both students and faculty who share common interests to be located and participating in a unified program. For example, social studies teachers who are very interested in the performing arts would tend to be much more receptive to individualization of instruction in a school of the performing arts than in a general school;
6. To have students—boys and girls—Black, White, Red, Yellow, rich and poor—who share common interests attend the same school. Not because of some social-engineering but because they want to as shown by their interests;
7. To reduce the incidents of school tardiness and absenteeism by providing a program/school in which the students have already indicated an interest as evidenced by their selection;
8. To provide a safe and secure setting wherein normal educational development can take place by implementing a school/program geared to keeping students interested and involved;
9. To encourage parental involvement in the educational process of their children by participating in student projects and attending student performances; and
10. To improve and enhance the image of the educational institution in the eyes of the local community by providing an interest center school/program with which the community can identify and take pride in.

Such schools would need funds for:

1. Re-training of staff,
2. Rental of facilities, and
3. Various types of equipment.

B. Additional funds are also needed in the following areas:

1. Expanded services for the mentally retarded;
2. Expanded counseling services;
3. More research and testing funds to insure that educational accountability becomes a reality;
4. Funds for public relations activities which will instruct the community in the positive programs being carried out by the district; and
5. Funds for more ecological and field trips.

Chairman **Perkins**. Let me ask you a question, Dr. Samter, concerning your high percentage of gain in title I. In your cities in New York has this been greater in the last year than heretofore or can you say you have just come across better ways of evaluating actual accomplishment?

Mr. SAMTER. As I indicated, Mr. Chairman, the units on the job—recently my appointment made it difficult to collect evidence from all five cities, but the one indication I had was from my home city, Buffalo.

Chairman PERKINS. You say that was a gain of 10 points?

Mr. SAMTER. Yes; that was a greater gain than in the same program 3 years before that. It does appear from conferences we have had and discussions we have had that we are learning how to do the job better. We are growing up in ESEA title I.

Chairman PERKINS. In conclusion, what is your suggestion as to improving the quality of education in these cities you mentioned for the children who need it most?

Mr. SAMTER. Are you referring to the actual use of title I funds?

Chairman PERKINS. Yes. Just how do we improve the quality of education of the children who need quality education most? How would you suggest improving title I?

Mr. SAMTER. The specific suggestions I have are these.

Chairman PERKINS. That is, to be effective and to serve the children it was intended to serve?

Mr. SAMTER. Yes, sir. I did mention, of course, inadequate appropriations as the major obstacle.

Chairman PERKINS. That is the major obstacle, inadequate funding?

Mr. SAMTER. Yes; it should be funded at the authorization level rather than something less than that. As to the use of funds, whether they are the amounts appropriated or authorized, I would be inclined to agree, based on a concensus of discussion with the five-city people, that the training of teachers is the primary use to which these funds can be put effectively: that is, training of teachers for teaching disadvantaged children.

The specific objections that Dr. Moeller of St. Louis made almost to a word I could second and support.

Chairman PERKINS. Are there any questions, Mr. Quie?

Mr. QUIE. I have no questions, thank you, at the moment.

Chairman PERKINS. Thank you very much. You have been most helpful. I want to ask the two gentlemen with the National Assessment Association to come back to testify because Mr. Quie has some additional questions.

Mr. QUIE. Doctor, you indicated the National Assessment model can be used by the States. Do you mean they could conduct an assessment program using your model or can they use information you derived from your own study?

Mr. HAZLETT. The State can use the model, which is a sampling of population and also the actual materials which have been released in our reports item by item and up to half of all of those we have used being in the public domain.

The State of Connecticut has done it in reading and I understand the State of Maine is considering that. Iowa has used them. Montgomery County, Md., is considering using them along with others. Yes; it can be replicated.

Mr. QUIE. When they do this, isn't it true that they don't just use the information that pertains to their State but have to use the whole region? Don't you issue the reports nationally by regions?

Mr. HAZLETT. When I say they use it, that means they use the model to conduct their own assessments and then their results they can compare with the region or with the Nation.

Mr. QUIE. Why don't you break down your data by States instead of doing it by regions?

Mr. HAZLETT. There are both historical and financial reasons for that. National Assessment probably, back in 1967 or 1968, would never have gotten off the ground if it had been or if State samples had been drawn because of the opposition and fear that it would lead to some kind of imposition of a national testing program or curriculum.

Secondly, in order to draw valid samples in each of the 50 States, it would become vastly expensive, a vastly expensive program. We have not yet had perhaps the expertise in this kind of methodology to warrant that expense at this moment.

Dr. Ahmann might give some rough figure of what that additional cost might be.

Mr. AHMANN. To report National Assessment data by each State, 50 separate States rather than by four regions as we now do, would probably add around $400,000 to $500,000 of costs per State per year.

You can see very quickly it would amount to huge quantities of money. The problem is simply this: You need to have a fairly large sample in order to have reliable results. To obtain that sample means enlarging our present national sample, which is 80,000 to 90,000, several times over, or many times over.

Mr. QUIE. Suppose all of the States wanted it. Wouldn't it cost less for you to do it than for each State to use your model and conduct it themselves?

Mr. HAZLETT. This would have many advantages if indeed the State assessment and the national assessment were one. Our stand toward the States has been very simple; namely, we have gone through much work and spent many dollars developing educational objectives in 10 learning areas.

We have then in terms of these objectives developed exercises, as I said, for test items and there are many hundreds of these. We have data about them. We feel they are good, very good indeed.

Why should a State have to go through and do all of this again. We have offered them the objectives, the exercises that have been released for their use if they want to use them, but it has been their choice, not ours.

Mr. QUIE. I recall in the late 1960's there was a great fear about National Assessment, but I think it has been on the wane. I have talked to many educators since then who were strongly opposed who now think we need information in order to make wise adjustments about extension of ESEA, for example.

Mr. HAZLETT. The point is now very often, "Why haven't you told us more about ethnic groups and about States and more about the input variables that might be associated with output or achievement levels?" These are the questions I get.

Mr. QUIE. I gather you are going to provide information based on ethnic groups, are you not?

Mr. HAZLETT. At the moment, yes.

Mr. QUIE. Dr. Hazlett indicated it.

Mr. HAZLETT. We are giving the costs and expenses involved in Spanish-American groups and Mexican and concentrations of Puerto Ricans and Cubans. We will identify the problems this year and get cost data to see if we should incorporate it subsequently.

Mr. QUIE. When you say on page 4 you are finding variations in pupil performance by socioeconomic groupings and ethnic groups, how would you explain that?

Mr. HAZLETT. That listing is of the things that National Assessment now feels confident it can do. We do feel it is possible to report, just as we have done in black/nonblack and also in the educational level of the parent, the variations in pupil performance.

We would like to extend that to the Spanish-surnamed population.

Mr. QUIE. I see you just have the black/nonblack now?

Mr. HAZLETT. That is right. We also have some problems in getting what we think are the best socioeconomic indexes of the respondents, partly because of the youth of the respondents and the privacy of data, invasion of privacy in getting certain kinds of information.

Mr. QUIE. I wouldn't think there really should be any valid, any greater disagreement or any valid disagreement with having information by States because if you divide them into black/nonblack, that is about as sensitive an area as you can reach although school people are not as concerned there because they are not responsible for the ethnic makeup of their children, but they are responsible for their own work.

Mr. HAZLETT. There were at least 30 States that attended the National Assessment State assessment workshops this summer, all of which are at some stage of development. They are using their own planning. They have different goals and objectives and different instruments.

Mr. QUIE. Is the information that you will have by region now going to be interpreted some way so a layman on the Education and Labor Committee can understand what you are pulling together. Are there going to be certain interpretations of it or recommendations that come out?

Mr. AHMANN. We certainly hope so. Our early efforts, as indicated in my presentation, have been simply to lay out the data in a very factual way. Our current efforts are to do not only that but also to bring people together to talk about these things.

For instance, if all goes well in this coming year, it is quite likely that each region will have some type of study group organized which would look at the data for that region, to begin to ask why, what does it mean, are we happy or are we sad about these data?

I am sure that the question will be answered differently, depending upon the particular learning area under consideration. We have about five or 10, indeed, the particular exercise or test item under consideration, and there are hundreds and hundreds of those.

The problem in front of us then is the data interpretation problem and the fact that the policy committee of the project feels these interpretations should be made by people closest to the problem.

For instance, the Southeast is concerned about its level of performance and then the people from the Southeast, helped by others, I would hope, would really look at it and ask the "why's."

Mr. Quie. I notice also in the 1971–72 fiscal year an extension of the work that you are doing and one of them is this: to determine if inputs can be identified that seem to have a direct bearing on educational improvement.

One of the most important inputs in education is, of course, teachers. what kind of assessments have you made of teachers? Is it only assessment of the students and, therefore, it goes back directly to teachers?

Mr. Ahmann. To this date the assessment has been exclusively on the student. What does he know? What does he understand? What does he believe? Then by repeated assessment, how might this have changed in the 5-year period which is the standard cycle of repetition.

To date, no attention is being given to the teacher, the school, the community involvement, or home environment or whatever. This extension mentioned is very slippery and sadly, I fear, very expensive.

Mr. Hazlett. What we hope to do, first of all, is to identify those factors that many people feel are important. For example, the small class sizes are important or, as we heard this morning, the experienced teacher as opposed to inexperienced, and to identify those and then see what else can be done, as in the Coleman and other kinds of studies.

Third is to discuss costs to get at those things which would seem most significant and as we gather the output data at the same time to bring in that and render correlation on it.

Mr. Quie. Don't you have to find it out in order to answer the questions as to why these score as they do? Now you find out what they do in different regions of the country in different economic groups, and will you find out why, when you study the educational inputs?

Mr. Hazlett. That is right. This is a census gathering activity that does not in itself identify causation or reasons for differences.

Mr. Ahmann. There is often a decision as to actual development on health incidences. One thing to find out is the incidence of measles or whatever. Another thing is to try to associate the rise and fall of those data with, we will say, water supply problems or sanitation problems or whatever.

Mr. Quie. In this fiscal year you are going to find out if you are going to do it, if you decide to do it. What kind of time span will we be talking about when we see results from that?

Mr. Ahmann. This would be speculation. Let me guess that it would take a minimum of 1 year in the planning. I am concerned personally about the very large number of possible input data, input variables, about the fact that they are by no means separate but will overlap each other greatly and one has to sort.

Then there is a question of gathering and analyzing information, perhaps 1 year for planning, and another for discussion and 6 months for data analysis and a minimum of 2½ years for this at first.

Mr. Quie. Probably in the year 1974–75.

Mr. Ahmann. Probably.

Mr. Quie. We will have the act extended at least once by then. What about the use of national norms? Do you think this is really a meaningful thing that we can use then to base our judgment on?

Mr. Ahmann. I support the standard achievement test approach. We do not use it in National Assessment. We operate in what some would call an objective reference arena where we look not at a group of test items and make a test, therefore a test score, but at individual items, each stands by itself for all practical purposes.

These are two different ways of testing achievement and both have merit and provide different information. I think both are needed. I couldn't help but note that many of the other witnesses cited use of the standardized achievement test and they used grade equivalent norms and that is fine.

It offers some information, but it also has a problem. We offer a different style of information, a different type of information and it is good, but it has some problems, too. These are reported approaches, not contradictory or, if you wish, competing approaches.

Mr. QUIE. Not too long ago the Rand Corp. came out with a report evidently on the evaluation of various types of compensatory education. Their report indicated that it didn't make much difference what you did, the results were about the same.

The best thing to do is take the cheapest one possible and you save money that way. Are you going to get this kind of information or can you say it is advisable to spend additional money for students that are below the norm, that it produces results?

Mr. AHMANN. At the moment we are not in a position to make any statement of that type. Ideally, if one studied the background factors, as we said, the input variables and found very high relationships between those and the opposite data in science, reading, writing, citizenship, or mathematics or whatever, the inferences are very obvious that if you have a direct positive relationship as you insert X you get Y.

The problem, of course, is to get a suitably large relationship so you can then realize a halfway decent return for the input which goes in. Maybe by 1975 or 1976 we will have information that will start us down that road. Today we do not. We have only the output.

Mr. QUIE. So all of it depends on your decision this fiscal year of whether you are going to take a look at the inputs or not?

Mr. AHMANN. Correct.

Mr. QUIE. At the present time you don't have that. What good is your data going to do us even if—let's suppose it is going to take us into 1974 in order to extend this act. Things like that do happen, where it does take that length of time, so it is within the realm of possibility for you to have your report out in 1974, under your present study.

What good will it do us in deliberation on the legislation in extension of aid for compensatory education.

Mr. AHMANN. Let me separate the question into two parts. Assume for the moment that national assessment does not change, that it continues every year to assess two learning areas and therefore every 5 years, for all practical purposes, it repeats the assessments.

What we are doing now, as pointed out in the case of health data, is simply finding out where we are. It is something that never happened before and something which is therefore highly interesting and often surprising. The direction of the differences that I cited, for instance, the inner-city youngster doesn't do as well as affluent suburban youngsters, surprises no one.

The magnitude of difference is the point and how it differs from one type of exercise to another is surprising. If one takes national assessment alone as an output study, you get the profile, which like health statistics shows you where the problem is.

In the case of a health area, presumably then other teams come in, use these data and start to worry about factors or dynamics of the situation that cause the problem to exist in that magnitude.

We, too, as I pointed out, try to open our data banks to secondary users so that people know where the problem is and then, say in the inner-city areas like the great city school districts or the rural areas or whatever, can now carve out that piece and go to work on it.

National assessment should not be the end point, but the beginning point of the real study of what is going on, good and bad, in our education system. That, then, is very quickly the way national assessment exists.

Suppose we expanded national assessment and had the background or input variables as well. I would think the sky would be the limit. Given time, and remember we only assess two areas per year, therefore we would have to go really 5 years to get the whole package, but given time to measure output along with crucial input variables, relationships start to be established, interactions are identified and hopefully then the policymakers would have much information to say, "If I put this into the system over here I should get mostly that out over at the other end."

That is the very idealistic point and I know that is the "sky is the limit" concept if national assessment goes down this road.

Mr. QUIE. But the inputs we have made in the last 6 years will not be identified at all for the study, will they?

Mr. AHMANN. Not with our data except in the second or third order of magnitude, I would guess.

Mr. QUIE. And are we learning anything from this data that we didn't know before? I mean, we knew children didn't do as well in the inner-city schools as they did in the suburbs. We didn't know the degree to which it existed and how it varied in various parts of the country probably or regions in the country.

Mr. AHMANN. I submit we know a great deal more. For instance, take a step below the cut in writing. We find that would mean they do better than the mean in writing and this is a nice generalization, and people say, "I am not surprised about that." Look behind it.

If you ask the women students to respond in a formal way, for instance, a letter to grandmother for a gift or a shopping list for the grocery store, they do indeed then surpass the men, but if you go into an open-writing situation where you ask them to respond or write a composition about an idea, something more creative, less structured, you will find that the difference between the two groups is very small.

You can go inside of science and find for instance in the case of black respondents, one of their key problems is inability to interpret tables of data. A lot of people do have trouble with that, but they have more trouble with it.

It seems to me there are implications here for teachers, textbook writers, curriculum developers, and there are tens and tens or hundreds of such statements that can be made from national assessment data.

That is why our publications stack up on top of the table endlesly.

Mr. HAZLETT. It might be pointed out in connection with that, the blacks do equally well with whites on many of those questions on which they might get information outside of school as well as in the school and those things that are particularly directed toward school situations are those where the problem lies.

Mr. Quie. You take the difference in socioeconomic groups and break them down on income levels completely?

Mr. Ahmann. No. The educational level of a parent is a surrogate of socioeconomic data and a correlation between that and say taxable income is very high. We do not have strictly speaking socioeconomic data and we do not use it for analysis other than as it might be reflected in the educational level of the parents.

Mr. Quie. I think it would be helpful, when we go through the development of new legislation, if we could give you some idea of what we would like to have information on, such as to tell us the difference between male and female, black and nonblack, because we are not going to be able to crank it into the formula.

We have poor against poor and I gather we are not going to be able to find out if it is a valid assumption. I think you people keep saying it is a valid assumption, but I have a lot of doubt. I think we have to dig a little to make use of this for our deliberations.

I would be interested in pursuing it further if there is some way you can refine it so we could make more use of it.

Mr. Ahmann. The definition of our extreme rural subgroup and extreme inner city subgroup is such that these are, indeed, low economic groups but still not necessarily poverty groups or in some certain definitions, disadvantaged groups. This could be sharpened.

Mr. Quie. I hope you can take a look at the States and see if you can't give us the difference.

Thank you, gentlemen.

Chairman Perkins. Thank you, gentlemen. I want to ask unanimous consent that Mr. Pucinski be permitted to insert in the record at this moment some research made available by the legislative section of the Library of Congress under the Elementary and Secondary Education Act and without objection it is so ordered.

(The document referred to follows:)

The Library of Congress,
Congressional Research Service,
Washington, D.C., August 1, 1972.

To: Hon. Roman Pucinski,
From: Education and Public Welfare Division,
Subject: Legislative History, Title III, ESEA.

This is in response to your request for a legislative history of Title III, ESEA and of the specific question as to whether Title III, ESEA was intended to be available to all public school students or only the educationally disadvantaged. In order to best answer your request, we have condensed the results of our research into two separate reports.

The first report "Legislative History of Title III of the Elementary and Secondary Education Act of 1965, As Amended through 1970", is a general legislative history tracing the evolution of Title III, ESEA from its origins in P.L. 89-10 through the 1970 ESEA Amendments, P.L. 91-230. In addition, we have also enclosed an addendum to this general legislative history outlining two brief amendments to Title III, ESEA as a result of the Education Amendments of 1972, P.L. 92-318.

The second report, the "Extent of Participation under Title III of the Elementary and Secondary Education Act of 1965", is more limited in its subject as it focuses on the specific question of whether participation under Title III, ESEA was intended for only educationally disadvantaged public school students or for everyone.

We hope these reports will prove useful to you.

David Osman.

LEGISLATIVE HISTORY OF TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965,

As Amended through 1970

(David Osman, Education and Public Welfare Division, July 31, 1972)

I. Public Law 89-10

1965 ESEA—

House of Representatives

On January 12, 1965, Mr. Powell of New York introduced H.R. 2361 and Mr. Perkins of Kentucky introduced H.R. 2362, similar bills "to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools". The General Education Subcommittee of the Committee on Education and Labor held hearings on H.R. 2361 and H.R. 2362 on ten days in January and February 1965. The House Committee amended H.R. 2362 by striking out all of the bill after the enacting clause and inserting substitute language. On March 8, the Committee reported favorably on H.R. 2362 (H. Rept. No. 143, 89th Cong. 1st Sess.). The House debated H.R. 2362 on March 24, 25, 26 ,1965.

As reported by the Committee, Title III of H.R. 2362 authorized the Commissioner of Education to carry out a program for making grants to local educational agencies for supplementary educational centers and services. This program was to stimulate and assist in providing vitally needed educational services not available in sufficient quantity or quality and to aid in the development and establishment of exemplary elementary and secondary education programs. For the purposes of Title III, $100 million was authorized for fiscal year 1966.

The House report of March 8 provided the following description of Title III—Supplemental Educational Centers and Services:

> #### GRANTS TO LOCAL PUBLIC EDUCATIONAL AGENCIES
>
> Grants under this title are made from State allocations by the Commissioner to local public educational agencies for the purpose of financing supplemental educational centers and services. In order to assure that programs under this title will be developed which will enrich educational experiences and opportunities for elementary and secondary students, the local educational agency must involve persons broadly representative of the cultural and educational resources of the area to be served in the planning and carrying out of the supplementary programs. Such resources include organizations like State educational agencies, institutions of higher education, nonprofit private schools, libraries, museums, artistic and musical organizations, educational radio and television, and other cultural and educational resources. After making provision for the participation of such persons during the planning and operation of a proposed supplementary service, the local educational agency would submit an application to the Commissioner for a center or service based entirely on the local agency's perception of need and interest. The initiative and responsibility for the establishment and operation of supplementary services thus rests with the local educational agency. Before the Commissioner may authorize a grant, certain criteria pertaining to fiscal responsibility, maintenance of local effort, and availability of the proposed service to all appropriate children must be met, and the appliaction must be submitted to the State educational agency for review and recommendation. However a formula based upon the relative schoolage population and the total population of a State will be used to establish allocations to States from which grants to local public educational agencies will be made. In addition, the Commissioner is charged with the responsibility to insure that grants under this program are equitably distributed within States according to the size and population of the States, the geographic distribution of population within the State, the relative need of people in different geographic areas for the kinds of services to be offered; and the relative ability of particular local educational agencies to provide these services.
>
> The title establishes an Advisory Committee on Supplementary Educational Centers and Services consisting of the Commissioner as Chairman and eight appointed members. The Advisory Committee is charged with advising the

> Commissioner on the action to be taken with regard to each application for a grant under this title, the preparation of general regulations, and advising the Commissioner on policy matters. The Commissioner is also authorized to appoint special advisory and technical experts and consultants as may be useful to carry out the functions of the Advisory Committee.
>
> In the first fiscal year of 1966, $100 million would be distributed among the States . . .
>
> (H. Rept. No. 143, pp. 14-15)

During the House debate on H.R. 2362, as reported, the following amendments to Title III were offered on the floor of the House:

March 26

(1) Mr. Bell of California offered 5 amendments to be considered en bloc to leave administration of Title III program to the State educational agencies subject to the approval of the Commissioner of Education. (Congressional Record, v. 111, Pt. 5, pp. 6107-6108) The amendments were rejected: 47 ayes, 93 noes. (p. 6110)

(2) Mr. Quie of Minnesota proposed an amendment to concentrate all supplementary centers and services grants in school attendance areas having a high concentration of educationally disadvantaged children. (Congressional Record v. 111, Pt. 5, p. 6112) The amendment was rejected. (p. 6114)

(3) Mr. Bell offered an amendment that applications for assistance under Title III must be approved by the State educational agencies. (Congressional Record, v. 111, Pt. 5, p. 6114) The amendment was rejected: 67 ayes, 99 noes. (p. 6114)

(4) Mr. Ashbrook of Ohio offered an amendment that applications for grants under Title III be approved by the Commissioner of Education only if the State educational agency "finds that the proposals set forth in the application are consistent with State law." (Congressional Record, v. 111, Pt. 5, p. 6114) The amendment was rejected: 59 ayes, 107 noes. (p. 6114)

(5) Mr. Goodell of New York proposed an amendment to delete Title III in its entirety. (Congressional Record, v. 111, Pt. 5, p. 6114) The amendment was rejected. (p. 6114)

(6) Mr. Goodell offered an amendment to delete section 304, "Applications for Grants and Conditions for Approval" in its entirety. (Congressional Record, v. 111, Pt. 5, p. 6114) The amendment was rejected. (p. 6114)

On March 26, 1965, the House passed and sent to the Senate H.R. 2362 without amendment to Title III. The vote of the House on H.R. 2362 was 263 yeas, 153 nays and 17 not voting. (Congressional Record, v. 111, Pt. 5, p. 6152)

Senate

Mr. Morse of Oregon introduced S. 370, a bill "to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools," on January 12, 1965, Hearings on S. 370 were held before the Subcommittee on Education of the Committee on Labor and Public Welfare for seven days in January and February 1965.

On March 30th, the Subcommittee on Education laid aside S. 370 in favor of H.R. 2362 as passed by the House. The full Committee on Labor and Public Welfare reported favorably the bill H.R. 2362 without amendment on April 6. (S. Rept. No. 146, 89th Cong 1st Sess.). The Senate debated H.R. 2362 on April 7, 8, and 9, 1965.

During the debate on H.R. 2362, as reported, the following amendments to Title III were offered on the floor of the Senate:

April 8

(1) Mr. Dominick of Colorado offered an amendment to provide that applications for grants under Title III must be approved by the State educational agency. (Congressional Record, v. 111, Pt. 6, p. 7526) The amendment was rejected: 39 yeas, 49 nays, 12 not voting. (p. 7538)

(2) Mr. Prouty of Vermont offered an amendment to provide a substitute formula for the apportionment of funds among the States and territories under Title III. (Congressional Record, v. 111, Pt. 6, p. 7541) The amendment was rejected: 38 yeas, 56 nays, 6 not voting. (p. 7548)

April 9

(3) Mr. Dominick offered an amendment to limit grants for supplementary centers and services to "school attendance areas having a high concentration of educationally and economically deprived children". (Congressional Record, v.

111, Pt. 6, p. 7687) The amendment was rejected: 23 yeas, 66 nays, 11 not voting. (p. 7690)

On April 9, 1965, H.R. 2362, as reported, was passed without amendment on the floor of the Senate by a vote of 73 yeas, 18 nays, and 9 not voting. (Congressional Record, v. 111, Pt. 6, p. 7718). Since there were no differences between the House and Senate passed versions, H.R. 2362 was sent directly to the President's desk for his examination and approval. On April 11, 1965, President Lyndon Johnson signed H.R. 2362 into law as Public Law 89-10, the Elementary and Secondary Education Act of 1965.

The text of P.L. 89-10, Title III follows:

TITLE III—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES

APPROPRIATIONS AUTHORIZED

SEC. 301. (a) The Commissioner shall carry out during the fiscal year ending June 30, 1966, and each of the four succeeding fiscal years, a program for making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs.

(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $100,000,000, for the fiscal year ending June 30, 1966; but for the fiscal year ending June 30, 1967, and the 3 succeeding fiscal years, only such sums may be appropriated as the Congress may hereafter authorize by law.

APPORTIONMENT AMONG STATES

SEC. 302. (a) From the sums appropriated for carrying out this title for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 per centum thereof, as he may determine and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance under this title. From the remainder of such sums the Commissioner shall apportion $200,000 to each State and shall apportion the remainder of such sums among the States as follows:

(1) he shall apportion to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States, and

(2) he shall apportion to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the State bears to the population of all the States.

For purposes of this subsection, the term "State" does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The number of children aged five to seventeen, inclusive, and the total population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

(c) The amount apportioned under this section to any State for the fiscal year ending June 30, 1966, shall be available for payments to applicants with approved applications in that State during that year and the next fiscal year.

(d) The amount apportioned to any State under subsection (a) for any fiscal year which the Commissioner determines will not be required for the period for which that amount is available shall be available for reapportionment from time to time, on such dates during that period as the Commissioner may fix, among other States in proportion to the amounts originally apportioned among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates that State needs and will be able to use for that period; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amount reapportioned to a State under this subsection from funds appropriated pursuant to section 301 for any fiscal year shall be deemed to be a part of the amount apportioned to it under subsection (a) for that year.

USES OF FEDERAL FUNDS

SEC. 303. Grants under this title may be used, in accordance with applications approved under section 304(b), for—

(a) planning for and taking other steps leading to the development of programs designed to provide supplementary educational activities and services described in paragraph (b), including pilot projects designed to test the effectiveness of plans so developed; and

(b) the establishment, maintenance, and operation of programs, including the lease or construction of necessary facilities and the acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing supplementary educational services and activities such as—

(1) comprehensive guidance and counseling, remedial instruction, and school health, physical education, recreation, psychological, and social work services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

(2) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;

(3) developing and conducting exemplary educational programs, including dual-enrollment programs, for the purpose of stimulating the adoption of improved or new educational programs (including those programs described in section 503(a)(4)) in the schools of the State;

(4) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

(5) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis to public and other nonprofit schools, organizations, and institutions;

(6) developing, producing, and transmitting radio and television programs for classroom and other educational use;

(7) providing special educational and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the provision of mobile educational services and equipment, special home study courses, radio, television, and related forms of instruction, and visiting teachers' programs; and

(8) other specially designed educational programs which meet the purposes of this title.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

SEC. 304. (a) A grant under this title for a program of supplementary educational services may be made to a local educational agency or agencies, but only if there is satisfactory assurance that in the planning of that program there has been, and in the establishing and carrying out of that program there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served. For the purposes of this section, the term "cultural and educational resources" includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources. Such grants may be made only upon application to the Commissioner at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such applications shall—

(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

PAYMENTS

SEC. 305. (a) From the amounts apportioned to each State under section 302 the Commissioner shall pay to each applicant in that State which has an application approved under this title an amount equal to the total sums expended by the applicant under the application for the purposes set forth therein.

(b) Payments under this title may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADVISORY COMMITTEE

SEC. 306. (a) The Commissioner shall establish in the Office of Education an Advisory Committee on Supplementary Educational Centers and Services, consisting of the Commissioner, who shall be Chairman, and eight members appointed, without regard to the civil service laws, by the Commissioner with the approval of the Secretary.

(b) The Advisory Committee shall advise the Commissioner (1) on the action to be taken with regard to each application for a grant under this title, and (2) in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the development of criteria for approval of applications thereunder. The Commissioner may appoint such special advisory and technical experts and consultants as may be useful in carrying out the functions of the Advisory Committee.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

RECOVERY OF PAYMENTS

SEC. 307. If within twenty years after completion of any construction for which Federal funds have been paid under this title—

(a) the owner of the facility shall cease to be a State or local educational agency, or

(b) the facility shall cease to be used for the educational and related purposes for which it was constructed unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

LABOR STANDARDS

SEC. 308. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

(2) set forth a program for carrying out the purposes set forth in paragraph (a) or paragraph (b) of section 303 and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in paragraphs (a) and (b) of section 303, and in no case supplant such funds;

(4) in the case of an application for assistance under this title which includes a project for construction of necessary facilities, provide satisfactory assurance (A) that reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities, (B) that upon completion of the construction title to the facilities will be in a State or local educational agency, and (C) that the requirements of section 308 will be complied with on all construction projects assisted under this title;

(5) provide for such fiscal control and funds accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(6) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) Applications for grants under this title may be approved by the Commissioner only if—

(1) the application meets the requirements set forth in subsection (a);

(2) the program set forth in the application is consistent with criteria established by the Commissioner for the purpose of achieving an equitable distribution of assistance under this title within each State, which criteria shall be developed by him on the basis of a consideration of (A) the size and population of the State, (B) the geographic distribution of the population within the State, (C) the relative need of persons in different geographic area and in different population groups within the State for the kinds of services and activities described in paragraph (b) of section 303, and their financial ability to provide those services and activities, and (D) the relative ability of particular local educational agencies within the State to provide those services and activities;

(3) in the case of an application for assistance for a program for carrying out the purposes described in paragraph (b) of section 303, the Commissioner determines (A) that the program will utilize the best available talents and resources and will substantially increase the educational opportunities in the area to be served by the applicant, and (B) that, to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the supplementary educational activities and services provided under the program are to meet, provision has been made for participation of such children; and

(4) the application has been submitted for review and recommendations to the State educational agency.

(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

II. Public Law 89–750

1966 ESEA AMENDMENTS

House of Representatives

On March 1, 1966, Mr. Powell of New York introduced H.R. 13160 and Mr. Perkins of Kentucky introduced H.R. 13161, identical bills "to strengthen and improve programs of assistance for our elementary and secondary schools." The General Education Subcommittee of the Committee on Education and Labor held hearings on the bills on eleven days during March of 1966. On August 5 the Committee reported favorably H.R. 13161 after striking out all of the bill after the enacting clause and inserting substitute language (H. Rept. No. 1814, 89th Cong., 2nd Sess.). On August 22, the Committee submitted a supplemental report on the bill (H. Rept. No. 1814: Pt. 2, 89th Cong., 2nd Sess.). The House debated H.R. 13161 on October 5 and 6, 1966.

As reported, H.R. 13161 amended Title III, P.L. 89–10, by authorizing appropriations of $150 million for fiscal year 1967 and $575 million for fiscal year 1968. The bill also included provisions to extend Title III eligibility to Department of Defense overseas dependents schools and the Federal Indian schools operated by the Department of Interior. In addition, H.R. 13161, as reported, contained provisions that any construction give due consideration to excellence of architecture and design and works of art while another amendment authorized special application consideration for local educational agencies which were financially overburdened.

During the debate on H.R. 13161, as reported, the following amendment regarding Title III of P.L. 89–10, were offered on the floor of the House:

October 6

(1) Mr. O'Hara of Michigan offered an amendment to Section 134 of the Committee reported bill authorizing special consideration for financially overburdened local educational agencies. The O'Hara amendment proposed to "strike out 'racially imbalanced' and all that follows through the word 'agency' . . . and insert 'or unsafe'." (Congressional Record, v. 112, Pt. 19, pp. 25555–6) The amendment was agreed to. (p. 25556)

(2) Mr. Gurney of Florida offered an amendment to strike out the Title III appropriations authorization for fiscal year 1968. (Congressional Record, v. 112, Pt. 19, 25565–6) The amendment was rejected. (p. 22556)

(3) Mr. Collier of Illinois offered an amendment to add language to H.R. 13161 requiring the publication in a newspaper of general circulation of proposed employee's salaries and other expenses of all approved projects under Title III, P.L. 89–10, funded at $50,000 or more. (Congressional Record, v. 112, Pt. 19, pp. 25566–7) The amendment was rejected. (p. 25567)

(4) Mr. Goodell of New York offered an amendment to retain the level of Title III appropriations for fiscal years 1967 and 1968 at $100 million, the fiscal year 1966 level of authorization. (Congressional Record, v. 112, Pt. 19, p. 25567) The amendment was rejected. (p. 25567)

(5) Mr. Goodell offered an amendment to H.R. 13161 to strike out that section which would authorize special consideration for financially overburdened local educational agencies under Title III. (Congressional Record, v. 112, Pt. 19, pp. 25567–8) The amendment was rejected: 40 ayes, 89 noes. (p. 25568)

(6) Mr. Quie of Minnesota offered an amendment to H.R. 13161 requiring that grants under Title III, P.L. 89–10, be made on the basis of State plans approved by the Commissioner. (Congressional Record, v. 112, Pt. 19, pp. 25569–70) The amendment was rejected: 29 ayes, 51 noes. (p. 25570)

(7) Mr. Goodell offered an amendment to H.R. 13161 which would require that applications for grants under Title III, P.L. 89–10, be approved by the State educational agency. (Congressional Record, v. 112, Pt. 19, pp. 25570–1) The amendment was rejected. (p. 25571)

(8) Mr. Collier of Illinois moved to recommit H.R. 13161 to the Committee on Education and Labor with instructions that it be reported back to the House with amendments, including the following which would affect Title III, P.L. 89–10:

> That the Title III, P.L. 89–10, authorization for fiscal 1967 be limited to $100 million, and to such sums as may be authorized by law for any other fiscal year;
>
> That the section in H.R. 13161 directing special consideration for financially overburdened local educational agencies be deleted from the bill. (Congressional Record, v. 112, Pt. 19, p. 25587)

Motion to recommit with instructions rejected: 150 yeas, 185 nays (p. 25587)

H.R. 13161, as amended, passed the House on October 6, 1966 by a vote of 237 yeas, 97 nays, and 98 not voting. (Congressional Record, v. 112, Pt. 19, p. 25586–9)

Senate

On March 7, 1966, Mr. Morse of Oregon introduced S. 3046, a bill "to strengthen and improve programs of assistance for our elementary and secondary schools", similar to H.R. 13161. The Subcommittee on Education of the Committee on Labor and Public Welfare held hearings on S. 3046 and related bills on six days during April of 1966. The Committee reported S. 3046, with amendments, on October 3, 1966. (S. Rept. No. 1674, 89th Cong., 2nd Sess.) The Senate debated S. 3046 on October 5 and 6, 1966.

As reported, S. 3046 amended Title III, P.L. 89–10, by authorizing appropriations of $200 million for fiscal year 1967 and $250 million for fiscal year 1968. This bill also extended Title III eligibility to the Indian schools operated by the Department of the Interior. In addition, S. 3046, as reported, provided that facilities constructed under Title III be usable by handicapped persons, that any applications providing for the expenditure of 25 percent of a State's Title III apportionment have approval from the State educational agency, and directed special application consideration for local educational agencies which were financially overburdened.

During the debate on S. 3046, as reported, the following amendments concerning Title III, P.L. 89–10, were offered on the floor of the Senate:

October 6

(1) Mr. Dirksen of Illinois offered an amendment to S. 3046 consisting of six parts. Mr. Morse of Oregon asked that each part of the Dirksen amendment be voted on separately. After the first three parts were rejected on separate votes, Mr. Morse requested that the remaining parts of the Dirksen amendment be subject to a single vote. Among these remaining sections was a provision to reduce the fiscal year 1967 authorization for Title III, P.L. 89–10, to $150 million. (Congressional Record, v. 112, Pt. 19, p. 25483 (The remaining sections of the Dirksen amendment were rejected: 27 yeas, 44 nays, 29 not voting. (p. 25483)

(2) Mr. Fannin of Arizona offered an amendment to delete the words "racially imbalanced" from Section 135 of S. 3046 which provides for special consideration for financially overburdened local educational agencies. [This amendment similar in effect to the O'Hara amendment in the House.] (Congressional Record, v. 112, Pt. 19, pp. 25489–93) The amendment was agreed to. (p. 25493)

(3) Mr. Dirksen moved to recommit S. 3046 to the Committee on Labor and Public Welfare with instructions that it be reported back to the Senate with total authorizations not in excess of the President's budget estimates. (Congressional Record, v. 112, Pt. 19, pp. 25494–5) Motion to recommit rejected: 23 yeas, 48 nays, 29 not voting (p. 25495)

On October 6, 1966, the Senate passed S. 3046, as amended, by a vote of 54 yeas, 16 nays, 30 not voting. (Congression Record, v. 112, Pt. 19, p. 25499)

Conference and final passage

On October 7, 1966, under a unanimous consent agreement requested by Mr. Morse, the Senate considered the bill H.R. 13161 as passed by the House. Mr. Morse moved to strike out all language after the enacting clause in H.R. 13161 and substitute in place the language of S. 3046 as passed by the Senate. The Senate agreed to this motion and the bill H.R. 13161 was passed with the Senate language. Mr. Morse moved that the Senate insist on its amendment and request a Conference with the House. The motion was agreed to. Senators Morse, Yarborough, Clark, Randolph, Kennedy of New York, Williams of New Jersey, Prouty, Javits, and Dominick were appointed as the Senate conferees. (Congressional Record, v. 112, Pt. 19, pp. 25836–7)

On October 10, 1966, the House under a unanimous consent agreement requested by Mr. Powell, disagreed to the Senate amendment to H.R. 13161 and requested a Conference with the Senate. Representatives Powell, Perkins, Brademas, Scott, Carey, Ford of Michigan, Meeds, Scheuer, Goodell, Ashbrook and Bell were appointed as the House conferees. (Congressional Record, v. 112, Pt. 19, pp. 25937–8)

On October 14, the Republican conferees (Repres. Ashbrook, Goodell, and Bell) were excused and the Speaker of the House appointed the following conferees in their place: Representatives Ayres, Quie, Goodell, and Bell. (Congressional Record, v. 112, Pt. 20, p. 26996)

The following is a summary of the major differences between the House passed bill and Senate passed amendments regarding Title III, P.L. 89–10, which the Conference Committee resolved:

Amendments to Title III, Public Law 89–10

(1) House authorized $150 million for fiscal year 1967, $575 million for fiscal year 1968.

Senate authorized $200 million for fiscal year 1967, $250 million for fiscal year 1968.

Conference authorized $175 million for fiscal year 1967, $500 million for fiscal year 1968.

(2) House authorized grants for Bureau of Indian Affairs and Department of Defense schools for each year of Title III authorization.

Senate authorized grants for BIA schools for fiscal year 1967 only; made no provisions for DOD schools.

Conference authorized grants for BIA and DOD schools for fiscal year 1967 only.

(3) Senate provided that facilities constructed under Title III be usable by handicapped persons.

House had no comparable provision.

Conference adopted Senate provisions.

(4) Senate provided that a State agency must approve Title III applications providing for expenditure of 25 percent of the State's Title III apportionment in any year.

House had no comparable provision.

Conference report had no comparable provision.

On October 19, 1966, the Senate considered and agreed to the Conference Report on H.R. 13161 (H. Rept. 2309, 89th Cong., 2nd Sess.). (Congressional Record, v. 112, Pt. 20, 27597)

On October 20, the House agreed to the Conference Report by a vote of 184 yeas, 76 nays, and 171 not voting. (Congressional Record, v. 112, Pt. 21, pp. 28215–6).

On November 3, 1966, President Lyndon Johnson signed the bill, H.R. 13161 into law as Public Law 89–750, the Elementary and Secondary Education Amendments of 1966.

The text of P.L. 89–750 as it amends Title III of P.L. 89–10 is as follows:

"PART C—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES

"APPROPRIATIONS AUTHORIZED

"SEC. 131. Section 301(b) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"'(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $100,000,000 for the fiscal year ending June 30, 1966, $175,000,000 for the fiscal year ending June 30, 1967 and $500,000,000 for the fiscal year ending June 30, 1968; but for the fiscal year ending June 30, 1969, and the succeeding fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law.'

"REVISION IN AUTHORIZATION FOR TITLE III, AND PROVISION FOR INDIAN CHILDREN IN SCHOOLS OPERATED BY THE DEPARTMENT OF THE INTERIOR

"SEC. 132. Section 302(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"'SEC. 302. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall apportion the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition, for the fiscal year ending June 30, 1967, he shall apportion from such amount to (A) the Secretary of the Interior the amount necessary for such assistance for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"'(2) From the sums appropriated for carrying out this title for any fiscal year pursuant to section 301(b), the Commissioner shall apportion $200,000 to each State and shall apportion the remainder of such sums among the States as follows:

"'(A) He shall apportion to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States, and

"'(B) He shall apportion to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the State bears to the population of all the States.

For the purposes of this subsection, the term "State" does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.'

"PROVISIONS WITH RESPECT TO FACILITIES CONSTRUCTED UNDER TITLE III

"SEC. 133. Section 304(a)(4) of the Elementary and Secondary Education Act of 1965 is amended by striking out 'and (C)' and inserting in lieu thereof the following: '(C) that, in developing plans for such facilities, due consideration will be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than one per centum of the cost of the project), and there will be compliance with such standards as the Secretary may prescribe or approve in order to insure that facilities constructed with the use of Federal funds under this title shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons, and (D)'.

"SPECIAL CONSIDERATION FOR LOCAL EDUCATIONAL AGENCIES WHICH ARE FINANCIALLY OVERBURDENED

"SEC. 134. Section 304 of such Act is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"'(c) In approving applications under this title for grants for any fiscal year beginning after June 30, 1967, the Commissioner must give special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four and five year olds, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, or unsafe.'

III. Public Law 90–247

1967 ESEA AMENDMENTS

House of Representatives

Mr. Perkins of Kentucky introduced H.R. 6230, a bill "to strengthen and improve programs of assistance for elementary and secondary education . . . and for other purposes," on February 28, 1967. The Committee on Education and Labor held hearings on H.R. 6230 during fourteen days in March, 1967. On April 3, Mr. Brademas of Indiana introduced a clean bill, H.R. 7819, in the nature of a substitute for H.R. 6230. On April 11, 1967, the Committee reported favorably H.R. 7819 after striking out all of the bill after the enacting clause and inserting substitute language (H. Rept. No. 188, 90th Cong., 1st Sess.). The House debated H.R. 7819 on May 22, 23, and 24, 1967.

As reported, H.R. 7819 amended Title III, ESEA, by extending for two years the provisions relating to schools for Indian children and Department of Defense overseas schools. This bill also extended Title III, ESEA for four years and authorized appropriations of $500 million each for fiscal years 1968 and 1969.

During the debate on H.R. 7819, as reported, the following amendments affecting Title III, ESEA, were offered on the floor of the House:

May 23

(1) Mr. Quie of Minnesota offered an amendment to add a new Title VII to the Elementary and Secondary Education Act of 1965 to provide "Block Grants to the States for Continuing Educational Progress." This amendment provided for continued authorizations under ESEA, Titles I, II, III, and V for fiscal year 1968. In fiscal 1969, these categorical grants titles were to be deleted and a lump sum of $3 billion made available to the States as a block educational grant. "My amendment would put titles I, II, III, and V under one State plan,

similar to the State plan that now prevails for title II." (Congressional Record, v. 113, Pt. 10, pp. 13611–13613).

Among additional amendments to be considered en bloc with the "Block Grant" proposal to assure that students and teachers in nonprofit private schools Title III, ESEA appropriation authorization for fiscal year 1969. (p. 13613)

May 24

Mr. Wyman of New Hampshire offered an amendment to the Quie "Block Grant" proposal to assure that students and teachers in nonprofit private schools would not receive proportionally fewer benefits under the Quie proposal than they received under titles I, II, and III of ESEA in fiscal year 1968. (Congressional Record, v. 113, Pt. 10, p. 13822). The Wyman amendment to the "Block Grant" amendment of Mr. Quie was rejected. (p. 13831)

The Quie amendments were rejected en bloc. (p. 13845)

(2) Mrs. Green of Oregon offered an amendment to insert a new Part C in Title I of H.R. 7819 which would reconstitute Title III, ESEA as a program to be operated by the State departments of education, rather than continue the direct Office of Education—local educational agency relationship authorized by P.L. 89–10. (Congressional Record, v. 113, Pt. 10, pp. 13859–13861)

> Mrs. GREEN. Briefly, to summarize, this amendment merely directs the funds through the Department of Education at the State level. It is permissive for the year 1968. It is mandatory for the year 1969. There is no commingling of funds and it requires a State plan. (p. 13862)

Mrs. Mink of Hawaii offered an amendment as a substitute for the amendment of Mrs. Green. The substitute amendment of Mrs. Mink amended Title I, Part C of H.R. 7819 to provide that Title III applications be submitted to the appropriate State educational agency which has 30 days to study the grant proposal. If the State agency disapproves an application, the Commissioner of Education could still approve the application if, upon review, he found it to be consistent with the provisions and in the furtherance of the purposes of Title III. (Congressional Record, v. 113, Pt. 10, pp. 13866–13868) The Mink substitute amendment was rejected: 123 ayes, 181 noes. (p. 13868)

The amendment of Mrs. Green was agreed to: 230 yeas, 185 nays, 18 not voting. (p. 13898)

After a motion to recommit was rejected, H.R. 7819, as amended, passed the House on May 24, 1967 by a vote of 294 yeas, 122 nays, and 17 not voting. (Congressional Record, v. 113, Pt. 10, pp. 13898–13899)

The following is the text of H.R. 7819, Title I, Part C, as passed by the House, referring to the revision of Title III, ESEA.

"PART C—REVISION OF TITLE III OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

"SEC. 131. Title III of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

" '*Title III—Supplementary Educational Centers and Services*

" 'APPROPRIATIONS AUTHORIZED

" 'SEC. 301. (a) The Commissioner shall carry out a program for making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs.

" '(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $500,000,000 each for the fiscal year ending June 30, 1968, and the succeeding fiscal year.

" 'APPORTIONMENT AMONG STATES

" 'SEC. 302. (a) (1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall apportion the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition, for the fiscal years ending June 30, 1968, and June 30, 1969, he shall apportion from such amount to (A) the Secretary of the Interior the amount necessary for such assistance or children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

" '(2) From the sums appropriated for carrying out this title for any fiscal year pursuant to section 301(b), the Commissioner shall apportion $200,000 to each State and shall apportion the remainder of such sums among the States as follows:

" '(A) He shall apportion to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States.

" '(B) He shall apportion to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the State bears to the population of all the States.

For the purposes of this subsection, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

" '(b) The number of children aged five to seventeen, inclusive, and the total population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

" '(c) The amount apportioned to any State under subsection (a) for any fiscal year which the Commissioner determines will not be required for the period for which that amount is available shall be available for reapportionment from time to time, on such dates during that period as the Commissioner may fix, among other States in proportion to the amounts originally apportioned among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates that State needs and will be able to use for that period; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amount reapportioned to a State under this subsection from funds appropriated pursuant to section 301 for any fiscal year shall be deemed to be a part of the amount apportioned to it under subsection (a) for that year.

" 'USES OF FEDERAL FUNDS

" 'SEC. 303. Grants under this title may be used for—

" '(a) planning for and taking other steps leading to the development of programs designed to provide supplementary educational activities and services described in paragraph (b), including pilot projects designed to test the effectiveness of plans so developed; and

" '(b) the establishment, maintenance, operation, and expansion of programs, including the lease or construction of necessary facilities and the acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing supplementary educational services and activities such as—

" '(1) comprehensive guidance and counseling, remedial instruction, and school health, physical education, recreation, psychological, and social work services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

" '(2) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;

" '(3) developing and conducting exemplary educational programs, including dual-enrollment programs, for the purpose of stimulating the adoption of improved or new educational programs (including those programs described in section 503(4)) in the schools of the State;

"'(4) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

"'(5) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis to public and other non-profit school, organizations, and institutions;

"'(6) developing, producing, and transmitting radio and television programs for classroom and other educational use;

"'(7) providing special educational and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the provision of mobile educational services and equipment, special home study courses, radio, television, and related forms of instruction, and visiting teachers' programs; and

"'(8) other specially designed educational programs which meet the purposes of this title.

"'STATE PLANS

"'SEC. 304 (a) Any State which desires to receive grants under this title shall submit to the Commissioner, through its State educational agency, a State plan which—

"'(1) sets forth a program under which funds paid to the State from its allotment under section 302 will be expended solely for purposes described in section 303: *Provided*, That for the first fiscal year for which the plan is in effect it must provide that no local educational agency will receive less than the amount it could reasonably anticipate receiving had the Elementary and Secondary Education Amendments of 1967 not been enacted, as determined by the State educational agency after consultation with the Commissioner;

"'(2) provides that the activities and services assisted under this title will be administered by or under the supervision of the applicant;

"'(3) provides assurances that, in the case of programs for carrying out the purposes described in paragraph (b) of section 303, (A) the programs will utilize the best available talents and resources and will substantially increase the educational opportunities in the area to be served, and (B) to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the supplementary educational activities and services provided under the program are to meet, provision has been made for participation of such children;

"'(4) sets forth criteria for achieving an equitable distribution of assistance under this title within the State which shall provide for consideration of (A) the size and population of the State, (B) the geographic distribution of the population within the State, (C) the relative need of persons in different geographic areas and in different population groups within the State for the kinds of services and activities described in paragraph (b) of section 303, and their financial ability to provide those services and activities, and (D) the relative ability of particular local educational agencies within the State to provide those services and activities, and which shall also provide for giving special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four and five year olds, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, or unsafe;

"'(5) provides that no assistance will be provided under this title for the construction of necessary facilities until the State educational agency has received satisfactory assurances that (A) reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities, (B) that upon completion of the construction title to the facilities will be in a State or local educational agency, (C) that, in developing plans for such facilities due consideration will be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than one per centum of the cost of the project), and that, to the extent appropriate in view of the uses to be made of the facilities, such facilities are accessible to and usable by handicapped persons, and (D) that the requirements of section 308 will be complied with;

" '(6) sets forth policies and procedures which assure that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, and (B) will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in paragraphs (a) and (b) of section 303, and in no case supplant such funds;

" '(7) provides that assistance will be provided under this title to a local education agency for a program of supplementary educational services only if the State educational agency has received satisfactory assurances that in the planning of that program there has been, and in the establishing and carrying out of that program there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served. For the purposes of this paragraph, the term "cultural and educational resources" includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources;

" '(8) provides assurance that every applicant whose application is denied will be given an opportunity for a hearing before the State educational agency;

" '(9) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title; and

" '(10) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

" '(b) The Commissioner shall approve any State plan and any modification thereof which complies with the provision of sub-section (a).

" 'PAYMENTS TO STATES

" 'Sec. 305. (a) From the amounts allotted to each State under section 302 the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

" 'RECOVERY OF PAYMENTS

" 'Sec. 306. If within twenty years after completion of any construction for which Federal funds have been paid under this title—

" '(a) the owner of the facility shall cease to be a State or local educational agency, or

" '(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

" 'LABOR STANDARDS

" 'Sec. 307. All laborers and mechanics employed by contractors or subcontractors on all contruction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176;

5 U.S.C. 133z-15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

" 'ADMINISTRATION OF STATE PLANS

" 'Sec. 308. (a) The Commissioner shall not finally disapprove any plan submitted under section 304, or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

" '(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency administering a program under a plan approved under this title, finds—

" '(1) that the plan has been so changed that it no longer complies with the provisions of section 304(a), or

" '(2) that in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State educational agency that the State will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

" 'JUDICIAL REVIEW

" 'Sec. 309. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under section 304(a) or with his final action under section 308(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is locted a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

" '(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings.

" '(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.'

"EFFECTIVE DATE

Sec. 132. The amendment made by section 131 shall become effective June 30, 1968, except that with respect to any State the amendment shall become effective when it submits a State plan, as provided in such amendment, for the fiscal year ending June 30, 1968."

Senate

Mr. Morse of Oregon introduced S. 1125, a bill "to strengthen and improve programs of assistance for elementary and secondary education . . ." on February 28, 1967. The Subcommittee on Education of the Committee on Labor and Public Welfare held two days of hearings on S. 1125 in May and June, 1967 and eleven days of hearings between July and September on S. 1125, H.R. 7819, as passed by the House, and related bills. On November 6, 1967, the Committee favorably reported H.R. 7819 after striking out all language after the enacting clause in the House passed bill and inesrting substitute language. (S. Rept. No. 26, 90th Cong., 1st Sess.) The Senate debated H.R. 7819, as reported, on November 30, December 1, 4, 5, 6, 7, 8, and 11, 1967.

As reported by the Senate Committee, H.R. 7819 completely amended Title III, ESEA. As summarized in the Senate Report of November 6, 1967:

> The Committee amendment would amend Tile IIII in its entirety, to provide for—
>
> (1) A change in the administration of the program by establishing a State plan-State grant program;
>
> (2) Appropriate systems of review and evaluation to insure that the intent of Congress is being carried out;

(3) The establishment of State advisory councils to advise the States in the administration of the program and to evaluate programs and projects funded under this tile; and

(4) The strengthening of the reconstituted National Advisory Council through provision for additional responsibilities; and greater independence.

(S. Rept. No. 726)

During the debate on H.R. 7819, as reported, the following amendments regarding Title III, ESEA, were offered on the floor of the Senate:

December 6

(1) Mr. Lausche of Ohio offered an amendment to stabilize authorizations through fiscal year 1971 at the fiscal 1968 level for most ESEA programs, including Tile III, Supplemental Educational Services and Centers. (Congressional Record, v. 113, Pt. 26, p. 35334)

Amendment rejected: 27 yeas, 54 nays, 19 not voting. (p. 35340)

December 8

(2) Mr. Thurmond of South Carolina offered an amendment to insert a new Part C in Title I of H.R. 7819 which would reconstitute Tile III, ESEA as a program wtih 100 percent of its funds administered by the State departments of eductaion. The language of the Thurmond amendment was essentially that of the Green amendment, in the House passed version of H.R. 7819. (Congressional Record, v. 113, Pt. 26, p. 35642)

December 11

Thurmond amendment rejected: 35 yeas, 38 nays, 27 not voting. (p. 35693)

On December 11, 1967, H.R. 7819, as amended, passed the Senate by a vote of 71 yeas, 7 nays, and 22 not voting. (Congressional Record, v. 113, Pt. 26, p. 35733–35734)

As passed by the Senate, H.R. 7819, Title I, Part C—Revision of Title III of Elementary and Secondary Education Act of 1965, read as follows:

PART C—REVISION OF TITLE III OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 131. Title III of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE III—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES

"APPROPRIATIONS AUTHORIZED

"SEC. 301. (a) The Commissioner shall carry out a program for making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs.

"(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $100,000,000 for the fiscal year ending June 30, 1966; $175,000,000 for the fiscal year ending June 30, 1967; $500,000,000 for the fiscal year ending June 30, 1968; $525,000,000 for the fiscal year ending June 30, 1969; $550,000,000 for the fiscal year ending June 30, 1970; and $575,000,000 for the fiscal year ending June 30, 1971. In addition, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1968, and each of the three succeeding fiscal years, such sums as may be necessary for the administration of State plans, the activities of advisory councils, and the evaluation and dissemination activities required under this title.

"ALLOTMENT AMONG STATES

"SEC. 302. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition for each fiscal year ending prior to July 1, 1969, he shall allot from such amount to (A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) From the sums appropriated for making grants under this title for any fiscal year pursuant to section 301(b), the Commissioner shall allot $200,000 to each State and shall allot the remainder of such sums among the States as follows:

> "(A) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States, and
>
> "(B) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the State bears to the population of all the States.

For the purposes of this subsection, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(b) The number of children aged five to seventeen, inclusive, and the total population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount allotted to any State under subsection (a) for any fiscal year, which the Commissioner determines will not be required for the period for which that amount is available, shall be available for grants pursuant to section 306 in such State, and if not so needed may be reallotted or used for grants pursuant to section 306 in other States. Funds available for reallotment may be reallotted from time to time, on such dates during that period as the Commissioner may fix, among other States in proportion to the amounts originally allotted among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates that State needs and will be able to use for that period; and the total of these reductions may be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection from funds appropriated pursuant to section 301 for any fiscal year shall be deemed to be a part of the amount allotted to it under subsection (a) for that year.

"(d) The amounts made available under the first sentence of subsection (c) for any fiscal year shall remain available for grants during the next succeeding fiscal year.

"USES OF FEDERAL FUNDS

"Sec. 303. (a) Funds appropriated pursuant to section 301 shall, except as provided in subsection (b), be available only for grants in accordance with applications approved pursuant to this title for—

> "(1) planning for and taking other steps leading to the development of programs or projects designed to provide supplementary educational activities and services described in paragraphs (2) and (3), including pilot projects designed to test the effectiveness of plans so developed;
>
> "(2) the establishment or expansion of exemplary and innovative educational programs (including dual-enrollment programs and the lease or construction of necessary facilities) for the purpose of stimulating the adoption of new educational programs (including those described in section 503(4) and special programs for handicapped children) in the schools of the State; and
>
> "(3) the establishment maintenance, operation, and expansion of programs or projects, including the lease or construction of necessary facilities and the acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing,

especially through new and miproved approaches, supplementary educational services and activities, such as—

"(A) comprehensive guidance and counseling, remedial instruction, and school health, physical education, recreation, psychological, social work, and other services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

"(B) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;

"(C) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages, and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

"(D) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis for the benefit of children in public and other nonprofit schools, organizations, and institutions;

"(E) developing, producing, and transmitting radio and television programs for classroom and other educational use;

"(F) in the case of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs (including preschool education), because some or all of its schools are seriously overcrowded, obsolete, or unsafe, initiating and carrying out programs or projects designed to meet those needs, particularly those which will result in more effective use of existing faciltiies,

"(G) providing special educational and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the provision of mobile educational services and equipment, special home study courses, radio, television, and related forms of instruction, bilingual education methods, and visiting teachers' programs;

"(H) encouraging community involvement in educational programs; and

"(I) other specially designed educational programs or projects which meet the purposes of this title.

"(b) In addition to the uses specified in subsection (a), funds appropriated for carrying out this title may be used for—

"(1) proper and efficient administration of State plans;

"(2) obtaining technical, professional, and clerical assistance and the services of experts and consultants to assist the advisory councils authorized by this title in carrying out their responsibilities; and

"(3) evaluation of plans, programs, and projects, and dissemination of the results thereof.

"APPLICATIONS FOR GRANTS—CONDITIONS FOR APPROVAL

"SEC. 304. (a) A grant under this title pursuant to an approved State plan or by the Commissioner for a supplementary educational center or service program or project may be made only to a local educational agency or agencies, and then only if there is satisfactory assurance that, in the planning of that program or project there has been, and in the establishment and carrying out thereof there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served. The term 'cultural and educational resources' includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources. Such grants may be made only upon application to the appropriate State educational agency or to the Commissioner, as the case may be, at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such applications shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes set forth in section 303(a) and provide for such methods of administration as are necessary for the proper and efficient operation of the programs;

"(3) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 303(a), and in no case supplant such funds;

"(4) provide, in the case of an application for assistance under this title which includes a project for the construction of necessary facilities, satisfactory assurance that—

"(A) reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities,

"(B) upon completion of the construction, title to the facilities will be in a State or local educational agency,

"(C) in developing plans for such facilities, (i) due consideration will be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and (ii) there will be compliance with such standards as the Secretary may prescribe or approve in order to insure that, to the extent appropriate in view of the uses to be made of the facilities, such facilities are accessible to and usable by handicapped persons, and

"(D) the requirements of section 310 will be complied with;

"(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(6) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served, and for keeping such records and for affording such access hereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources and will substantially increase the educational opportunities in the area to be served by the applicant;

"(B) to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type provided by the program or project, makes provision for the participation of such children; and

"(3) has been reviewed by a panel of experts.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"STATE ADVISORY COUNCILS AND STATE PLANS

"Sec. 305. (a) (1) Any State desiring to receive payments for any fiscal year to carry out a State plan under this title shall (A) establish within its State educational agency a State advisory council (hereinafter referred to as the 'State advisory council') which meets the requirements set forth in paragraph (2), (B) set dates before which local educational agencies must have submitted applications for grants to the State educational agency, and (C) submit to the Commissioner, through its State educational agency, a State plan at such time and in such detail as the Commissioner may deem necessary. The Commissioner may, by regulation, set uniform dates for the submission of State plans and applications.

"(2) The State advisory council, established pursuant to paragraph (1), shall—

"(A) be broadly representative of the cultural and educational resources of the State (as defined in section 304(a)) and of the public, including persons representative of—

"(i) elementary and secondary schools,

"(ii) institutions of higher education,

"(iii) professional organizations of teachers and school administrators,

"(iv) organizations promoting the improvement of education, and

"(v) areas of professional competence in dealing with children needing special education because of physical or mental handicaps, but nothing in this subparagraph shall be construed to preclude the appointment of nonresidents of a State to the State advisory council of that State;

"(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, the State plan, including the development of criteria for approval of applications under such State plan;

"(C) review, and make recommendations to the State educational agency on the action to be taken with respect to, each application for a grant under the State plan;

"(D) evaluate programs and projects assisted under this title;

"(E) prepare and submit a report of its activities, recommendations, and evaluations to the National Advisory Council, establishd pursuant to this title, at such times, in such form, and in such detail as the National Advisory Council may prescribe; and

"(F) obtain such professional, technical, and clerical assistance as may be necessary to carry out its functions under this title.

"(b) The Commissioner shall approve a State plan, or modification thereof, If he determines that the plan submitted for that fiscal year—

"(1) sets for a program (including educational needs, and their basis, and the manner in which the funds paid to the State under this title shall be used in meeting such educational needs) under which funds paid to the State under section 307(a) will be expended solely for the improvement of education in the State through grants to local educational agencies for programs or projects in accordance with sections 303 and 304: *Provided*, That, in the case of a State educational agency that also is a local educational agency, its approval of a program or project to be carried out by it in the latter capacity shall, for the purposes of this title, be deemed an award of a grant by it upon application of a local educational agency if the State plan contains, in addition to the provisions otherwise required by this section, provisions and assurances (applicable to such program or project) that are fully equivalent to those otherwise required of a local educational agency;

"(2) sets forth the administrative organization and procedures in such detail as the Commissioner may prescribe by regulation to be used in carrying out the State plan, including the qualifications for personnel having responsibilities in the administration of the plan;

"(3) sets forth criteria for achieving an equitable distribution of assistance under this title, which criteria shall be based on consideration of (A) the size and population of the State, (B) the geographic distribution and density of the population within the State, and (C) the relative need of persons in different geographic areas and in different population groups within the State for the kinds of services and activities described in section 303, and the financial ability of the local educational agencies serving such persons to provide such services and activities;

"(4) provides for giving special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical edecational needs, including preschool education for four- and five-year-olds and including where appropriated bilingual education, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, or unsafe;

"(5) provides that, in approving applications for grants for programs or projects, applications proposing to carry out programs or projects planned under this title will receive special consideration;

"(6) provides for adoption of effective procedures (A) for the evaluation, at least annually, of the effectiveness of the programs and projects, by the State advisory council, supported under the State plan in meeting the purposes of this title, (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (C) for adopting, where appropriate, promising educational practices developed through such programs or projects;

"(7) provides that not less than 50 percentum of the amount which such State receives to carry out the plan in such fiscal year shall be used for purposes of paragraphs (1) and (2) of section 303(a);

"(8) provides that not less than 15 percentum of the amount which such State receives to carry out the plan in such fiscal year shall be used for special programs or projects for the education of handicapped children;

"(9) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, and (B) will be so used as to supplement and, to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner, by regulation) that would, in the absence of such Federal funds, be made by the applicant for educational purposes:

"(10) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title:

"(11) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the areas served by programs or projects supported under the State plan and in the State as a whole, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (6), and for keeping such records and for affording such access thereto as the Commission may find necessary to assure the correctness and verification of such reports;

"(12) provides that final action with respect to any application (or amendment thereof regarding the proposed final disposition thereof shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing; and

"(13) contains satisfactory assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

"(c) The Commissioner may, if he finds that a State plan for any fiscal year is in substantial compliance with the requirements set forth in subsection (b), approve that part of the plan which is in compliance with such requirements and make available (pursuant to section 307) to that State that part of the State's allotment which he determines to be necessary to carry out that part of the plan so approved. The remainder of the amount which such state is eligible to receive under this section may be made available to such State only if the unapproved portion of that State plan has been so modified as to bring the plan into compliance with such requirements: *Provided*, That the amount made available to a State pursuant to this subsection shall not be less than 50 per centum of the maximum amount which the State is eligible to receive under this section.

"(d) A State which has had a State plan approved for any fiscal year may receive for the purpose of carrying out such plan an amount not in excess of 33⅓ per centum of its allotment pursuant to section 302 for the fiscal year ending June 30, 1969 50 per centum thereof for the fiscal year ending June 30, 1970, and 66⅔ per centum thereof for the fiscal year ending June 30, 1971.

"(e) (1) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearings to any state educational agency, finds that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 305 or with any requirement set forth in the application of a local educational agency approved pursuant to section 304, the Commissioner shall notify the agency that further payments will not be made to the State under this title (or, in this discretion, that the State educational agency shall not make further payments under this title to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this tile, or payments by the State educational agency under this title shall be limited to local educational agencies not affected by the failure, as the case may be.

"(3) (A) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under subsection (a) or with his final action under paragraph (2), such State may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(B) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings.

"(C) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 or title 28, United States Code.

"(f) (1) If any local educational agency is dissatisfied with the final action of the State educational agency with respect to approval of an application by such local agency for a grant pursuant to this title, such local agency may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State educational agency. The State educational agency thereupon shall file in the court the record of the proceedings on which the State educational agency based its action as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the State educational agency, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the State educational agency to take further evidence, and the State educational agency may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the State educational agency or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of tittle 28, United States Code.

"SPECIAL PROGRAMS AND PROJECTS

"SEC. 306. (a) From the amount allotted to any State, pursuant to section 302, which is not available for grants under a State plan approved pursuant to section 305, the Commissioner is authorized, subject to the provisions of section 304, to make grants to local educational agencies in such State for programs or projects which meet the purposes of section 303 and which, in the case of a local educational agency in a State which has a State plan approved, hold promise of making a substantial contribution to the solution of critical educational problems common to all or several States. The Commissioner may not approve an application under this section unless the application has been submitted to the appropriate State educational agency for comment and recommendation with respect to the action to be taken by the Commissioner regarding the disposition of the application.

"(b) Not less than 15 per centum of the funds granted pursuant to this section in any fiscal year shall be used for programs or projects designed to meet the special educational needs of handicapped children.

"PAYMENTS

"SEC. 307. (a) From the allotment to each State pursuant to section 302, for any fiscal year, the Commissioner shall pay to each State, which has had a plan approved pursuant to section 305 for that fiscal year, the amount necessary to carry out its State plan as approved.

"(b) The Commissioner is authorized to pay to each State amounts necessary for the activities described in section 303(b), during any fiscal year, except that (1) the total of such payments shall not be in excess of any amount equal to 7½ per centum of its allotment for that fiscal year or $150,000 ($50,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, and (2) in such payment, the amount paid for the administration of the State plan during such year shall not exceed an amount equal to 5 per centum of its allotment for that fiscal year or $100,000 ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

"(c) The Commissioner shall pay to each applicant which has an application approved pursuant to section 306 the amount necessary to carry out the program or project pursuant to such application.

"(d) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(e) No payments shall be made under this title to any local educational agency or to any State unless the Commissioner finds, in the case of a local educational agency, that the combined fiscal effort of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year or, in the case of a State, that the fiscal effort of that State for State aid (as defined by regulation) with respect to the provision of free public education in that State for the preceding fiscal year was not less than such fiscal effort for State aid for the second preceding fiscal year.

"RECOVERY OF PAYMENTS

"SEC. 308. If within twenty years after completion of any construction for which Federal funds have been paid under this title —

"(a) the owner of the facility shall cease to be a State or local educational agency, or

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds before to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"NATIONAL ADVISORY COUNCIL

"SEC. 309. (a) The President shall, by January 31, 1968, appoint a National Advisory Council on Supplementary Centers and Services which shall—

"(1) advise the Commissioner in the preparation of general regulations;

"(2) review the administration and operation of this title, including its effectiveness in meeting the purposes set forth in section 303;

"(3) review each State plan and application submitted to the Commissioner pursuant to sections 305 and 306, and make recommendations to the Commissioner with respect to the action to be taken on such plan or application;

"(4) set forth procedures for the submission of reports by State advisory councils to the National Advisory Council;

"(5) review, evaluate, and transmit the reports of State advisory councils to the Congress, the President, and the Secretary;

"(6) evaluate programs and projects carried out under this title and disseminate the results thereof; and

"(7) make recommendations for the improvement of this title, and its administration and operation.

"(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of twelve members, a majority of whom shall be broadly representative of the educational and cultural resources of the United States including at least one person who has professional competence in the area of education of handicapped children. Such members shall be appointed for terms of three years except that (1) in the case of the initial members, four shall be appointed for terms of one year each and four shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. The Secretary shall make available to the Council such technical, professional, secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out its functions.

"(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President and the Congress not later than January 20 of each year. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.

"(d) Members of the Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by action 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(e) The Council is authorized to appoint without regard to the provisions of title 5, United States Code, covering appointment in the competitive service, and fix the compensation of, without regard to chapter 51 and subchapter III of chapter 53 of such title, such professional and technical personnel as may be necessary to enable it to carry out its duties.

"LABOR STANDARDS

"SEC. 310. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)."

EFFECTIVE DATE

SEC. 132. (a) The amendment made by section 131 shall be effective July 1, 1968, except as specifically provided in subsection (b).

(b)(1) That part of section 305(a) of the Elementary and Secondary Act of 1965, as amended by section 131, concerning State advisory councils, and section 309 of such Act, as so amended, shall be effective upon enactment of this Act.

(2) The second sentence of section 301(b) of such Act, as so amended, shall be effective upon enactment of this Act.

(c) The Commissioner is authorized, upon enactment of this Act, to take such steps as he may deem appropriate in order to prepare to implement the amendment made by section 131.

CONFERENCE AND FINAL PASSAGE

On December 11, 1967, under a unanimous consent agreement requested by Mr. Perkins, the House disagreed to the Senate amendments to H.R. 7819 and requested a Conference with the Senate. The motion was agreed to and Representatives Perkins, Green of Oregon, Holland, Pucinski, Daniels, Brademas, Carey, Albert, Ayres, Quie, Goodell, Bell, Esch, and Steiger of Wisconsin were appointed as the House Conferees. (Congressional Record, v. 113, Pt. 26, p. 35842)

On December 13, the House appointed two additional conferees, Representatives Ashbrook and Gibbons, at the request of Mr. Perkins. (Congressional Record v. 113, Pt. 27, p. 36328)

On December 12, Mr. Morse moved that the Senate insist upon its amendments to H.R. 7819 and agree to the request of the House for a Conference. The motion was agreed to and Senators Morse, Yarborough, Clark, Randolph, Kennedy of New York, Williams of New Jersey, Prouty, Javits, Dominick, and Murphy were appointed conferees on the part of the Senate. (Congressional Record, v. 113, Pt. 26, p. 36061)

The Conference Report on H.R. 7819 (H. Rept. No. 1049, 90th Cong., 1st Sess.) in the Statement of the Managers on the part of the House, contains the following description of the Conference action regarding the differences between the House bill and the Senate amendments regarding Title III—Suplementary Educational Centers and Services:

PART C—REVISION OF TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Both the House bill and the Senate amendment revise title III of the Elementary and Secondary Education Act of 1965 to change the administration of the program to a state plan—State grant administrative mechanism. The States would submit a State plan through their State agencies to the Commissioner for approval. The conference substitute adopts the general form of the Senate amendment with modifications.

AUTHORIZATION OF APPROPRIATIONS AND DURATION OF PROGRAM

The House bill provides for an authorization of $500,000,000 for the fiscal year ending June 30, 1968, and for the succeeding fiscal year. The Senate amendment authorizes $500,000,000 for the fiscal year ending June 30, 1968, $525,000,000 for the fiscal year ending June 30, 1969, $550,000,000 for the fiscal year ending June 30, 1970, and $575,000,000 for the fiscal year ending June 30, 1971. The conference substitute authorizes $500,000,000 for the fiscal year ending June 30, 1968, $512,500,000 for the fiscal year ending June 30, 1969, and $550,000,000 for the fiscal year ending June 30, 1970.

APPROVAL OF THE STATE PLANS

The House bill provides that the Commissioner shall approve any State plan which meets the requirements set forth in sec. 304(a), concerning contents of State plans.

The State amendment, in addition to a similar requirement in section 305(b), authorizes the Commissioner to approve part of a State plan if he finds that the plan is in substantial compliance with the requirements set forth in section 305(b), concerning the contents of State plans.

The conference substitute adopts this provision, except that the permission for the Commissioner to approve part of a State plan will be applicable only for the fiscal year 1969.

The amendment provides that the Commissioner may not approve part of a State's plan unless the amount necessary to carry out the part in compliance is less than 50 percent of the maximum amount the State is eligible to receive. The conference substitute contains these provisions.

AMOUNT A STATE MAY RECEIVE

The House bill provides that, if a State's plan is approved, it receives 100 percent of its allotment.

The Senate amendment provides that, if a State's plan is approved, it receives 33⅓ percent of its allotment in fiscal year 1969, 50 percent thereof in fiscal year 1970, and 66⅓ percent thereof in fiscal year 1971.

The conference agreement provides that for the fiscal year 1969 a State which has had its State plan approved will have available to it 75 percent of its allotment. It should be noted that under the new provisions of section 306(c) it is only for the fiscal year 1969 that 25 percent of the State's allotment will be available for special projects and programs funded by grants from the Commissioner to local educational agencies, plus any amounts made available because of the Commissioner's action in disapproving part or all of a State's plan under section 305. For fiscal year 1970 there will be available for such grants only the amounts necessary to continue toward completion those projects which were initiated prior to such fiscal year under section 306(a), and funds which are not utilized for this purpose, or for the purposes of carrying out an approved State plan, must be reallotted in accordance with section 302(c).

SPECIAL PROGRAMS AND PROJECTS

The Senate amendment provides that, from the amount allotted to any State which is not available for grants under its State plan, the Commissioner may make grants to local educational agencies in that State for the purposes of the title if such local agency has an application meeting the requirements of section 304, concerning application requirements, and conditions of approval. In States having plans approved under section 305 grants under this section must be of national significance. Fifteen percent of the funds granted under this section must be for special programs for handicapped children. Applications under this section may be approved by the Commissioner only if they have been submitted to the appropriate State educational agency for review and recommendation.

The House bill contains no such provision.

The conference substitute contains this provision modified so that for the fiscal year 1970 only such projects initiated in fiscal year 1969 may be funded toward completion.

APPLICATIONS FOR GRANTS—CONDITIONS FOR APPROVAL

The Senate amendment sets forth the requirements which must be met by applicants and the conditions for approval by the State educational agency or the Commissioner.

The House bill contains no such provision.

REQUIREMENTS FOR STATE PARTICIPATION

The House bill requires a State desiring to participate in the program to submit a State plan through its State educational agency to the Commissioner.

The Senate amendment requires, in addition to the submission of a State plan, the establishment of a State advisory council and the setting of dates for the submission of applications. Uniform dates could be set by regulation.

STATE ADVISORY COUNCILS

The Senate amendment sets forth the membership and duties of the State advisory councils.

The House bill contains no such provision.

The conference substitute is similar to the Senate provision, except that it requires the Advisory Council to be appointed by the State educational agency, and it removes the requirement that its membership include persons representative of professional organizations of teachers and school administrators and of organizations promoting the improvement of education. It also removes a provision which says that nothing in the subparagraph may be construed to preclude the appointment of nonresidents of a State to the Council. Further, the Advisory Council is required to submit its report through the State educational agency, (together with the additional comments of that agency) to the Commissioner and to the National Advisory Council in such form as the Secretary may prescribe.

CONTENTS OF STATE PLANS

Both the House bill and the Senate amendment require a detailed State plan which sets forth the programs and projects to be funded and the customary assurances.

A. GRANTS TO LOCAL EDUCATIONAL AGENCIES

The House bill requires the plan to set forth a program under which funds will be expended for the purposes set forth in section 303, concerning uses of Federal funds.

The Senate amendment requires the plan to set forth a program under which funds will be expended for the improvement of education in the State through grants to local educational agencies having applications approved for a program or project described in section 303, concerning uses of funds.

B. CONTINUITY OF THE PROGRAM

The House bill provides that for the first year a State plan is in effect it must provide that no local educational agency will receive less than the amount that it would be expected to receive had H.R. 7819 not been enacted.

The Senate amendment provides that special consideration be given to applications proposing to carry out programs and projects planned with assistance under the title.

C. STATES IN WHICH THE STATE EDUCATIONAL AGENCY IS ALSO A LOCAL EDUCATIONAL AGENCY

The Senate amendment provides that, in the case of a State educational agency which is also a local educational agency, the State agency will be deemed to be a local educational agency if its plan includes provisions and assurances which are required of a local educational agency.

The House bill contains no such provision.

D. ADMINISTRATIVE ORGANIZATION

The Senate amendment requires the State plan to set forth the administrative organization and prodcedures to be used in carrying out the State plan, including the qualifications for personnel having responsibilities in the administration of the plan. The detail in which such organization and procedures are to be set forth is to be prescribed by regulation.

The House bill contains no such provision.

The conference substitute contains technical modifications of this provision.

E. EVALUATION AND DISSEMINATION OF INFORMATION

The Senate amendment provides for the adoption of effective procedures for the (1) evaluation of the programs or projects supported under the State plan, (2) dissemination of the results of the evaluations and of other information about the programs and projects carried out under the plan, and (3) adoption of promising educational practices developed through the programs and projects carried out under this title.

The House bill contains no such provision.

F. PLANNING PROJECTS AND DEMONSTRATION PROGRAMS

The Senate requires that at least 50 percent of the funds the State receives be used for planning project grants and grants for the establishment or expansion of exemplary and innovative educational programs designed to stimulate the adoption of new educational programs in schools throughout the State.

The House bill contains no such provision.

G. PROGRAMS FOR HANDICAPPED CHILDREN

The Senate amendment requires that 15 percent of the amount the State receives for carrying out the State plan be used for special programs or projects for the education of handicapped children.

The House bill contains no such provision.

H. EVALUATION REPORT

The Senate amendment requires that the annual report contain reports on evaluations carried out under the State plan.

The House bill contains no such provision.

I. HEARINGS OF THE STATE AGENCY

The House bill requires assurance that every applicant whose application has been denied will be given an opportunity for a hearing.

The Senate amendment requires that final action on an application will not be taken without first affording the applicant reasonable notice and an opportunity for a hearing.

J. STATE AID

The Senate amendment requires assurance that grants made to a local educational agency under the title will not be taken into consideration with regard to the eligibility for, or the amount of, State aid to that agency.

The House bill contains no such requirement.

ADMINISTRATION OF THE STATE PLAN

The House bill provides that if a State fails to comply with its approved plan or if the plan is changed so that it no longer complies with the law the State will not be regarded as eligible to participate in the program.

The Senate amendment provides that if there is failure to comply with a State plan or with the requirements in an application, the State will not receive further payments or, in the case of a local educational agency's failure to comply with its application, the local educational agency will not receive further payments.

JUDICIARY REVIEW

The Senate amendment provides for judicial review of a State's action on an application of a local educational agency in the same manner as for review of the Commissioner's action on a State plan.

The House bill contains no such provision.

PAYMENTS FOR ADMINISTRATIVE EXPENSES, ADVISORY COUNCILS, AND EVALUATION AND DISSEMINATION ACTIVITIES

The Senate amendment makes provision for a separate authorization of appropriations for the administration of State plans, advisory council activities, and the evaluation of the program and dissemination of the results of such evaluation. The Commissioner is authorized to pay to each State with an approved plan an amount equal to 7½ percent of is allotment (or $150,000, whichever is greater) for such activities. Of that payment no more than an amount equal to 5 percent of its allotment (or $35,000, whichever is greater) may be used for the administration of the State plan.

The House bill makes no provision for administrative expenses.

The conference substitute differs from the Senate provision only in that the requirement limiting the amount which may be used for administration will be applicable only for the fiscal year 1970.

USES OF FEDERAL FUNDS

The House bill would change present law only in that language requiring that funds be used only in accordance with applications would be deleted.

The Senate amendment would retain the requirement that funds be used in accordance with applications.

The Senate amendment would restructure the pattern of grants by dividing the present operational grant program into (1) grants for exemplary and innovative educational programs designed to stimulate the adoption of new educational programs in the schools of the State (demonstration programs) and (2) supplemental services and activities.

The Senate amendment adds to the present list of programs described as supplemental services and activities a new description of a program of initiating and carrying out programs or projects designed to meet the critical educational needs of local educational agencies which are making a reasonable tax effort but which are nevertheless unable to meet their critical educational needs because some or all of their schools are seriously overcrowded, obsolete, or unsafe.

The Senate amendment also adds to the listing of supplemental services and activities projects to encourage community involvement in educational programs to the list of descriptions.

The Senate amendment includes billingual education methods as a means for providing special educational services to persons isolated from normal educational opportunities.

The Senate amendment would emphasize new and improved approaches in providing supplementary educational services and activities.

LIMITATION ON PAYMENTS

The Senate amendment provides that no local educational agency may receive payments under the title if there is a decrease in fiscal efforts and that no State may receive payments under the title if there is a decrease in State aid for public education.

The House bill contains no such provision.

NATIONAL ADVISORY COUNCIL

The House bill repeals the authority for the National Advisory Committee on Supplementary Centers and Services.

The Senate amendment reconstitutes the committee as an independen advisory council appointed by the President and responsible to the President, the Congress, and the Secretary of Health, Education, and Welfare.

The conference substitute adopts the Senate amendment with modifications which delete the provisions requiring the Advisory Council to advise the Commissioner in the preparation of general regulations; but inserts a provision directing it to review general regulations for the operation of the title. It deletes the requirements that the Council must review State plans and applications and the requirements with respect to the submission of reports by State Advisory Councils. The substitute also takes out the provisions that require the Secretary to make available technical, professional, and other assistance to the Council and inserts in lieu thereof a requirement that when requested by the President the Secretary must engage such technical and professional assistance as may be required to carry out the functions of the Coencil and requires him to make available to the Council other assistance and data. It deletes the authority for the Council to hire personnel without regard to the civil service laws and the Classification Act.

REALLOTMENT

The Senate amendment provides that if an amount available for grants under a State plan will not be needed for the period for which it is available, that amount will be available first for grants to local educational agencies in that State as special programs or projects and then for reallotment to other States or special project grants in other States.

The Senate amendment provides that the amounts available for reallotment or grants under the reallotment authority shall, if such amounts are not obligated during that fiscal year, be available during the next fiscal year for obligation.

SERVICES FOR INDIANS

The House bill provides that allotments shall be made to the Department of Interior for services to children and teachers in schools operated by that department.

The Senate amendment provides that such allotments be used for persons or reservations serviced by schools operated by Interior.

EFFECTIVE DATE

The House bill provides that the revision of title III will be effective on the last day of fiscal year 1968, except that it would be effective in fiscal 1968 for States submitting State plans upon the submission of a State plan.

The Senate amendment provides that the revision will be effective on the first day of fiscal year 1969, except that those provisions of the amendment concerning advisory councils will be effective upon enactment. The Senate amendment authorizes the Commissioner to take the necessary steps to prepare for the implementation of the revision upon enactment.

Unless otherwise noted, the conference substitute adopts the provisions of the Senate amendment.

On December 15, 1967, the Senate considered and agreed to the Conference Report on H.R. 7819 (H. Rept. No. 1049, 90th Cong., 1st Sess), by a vote of 63 yeas, 3 nays, and 34 not voting. (Congressional Record, v. 113, Pt. 27, pp. 37037–37038)

On December 15, the House considered and agreed to the Conference Report by a vote of 286 yeas, 73 nays, and 74 not voting. (p. 37175)

On January 2, 1968, President Lyndon Johnson signed the bill H.R. 7819 into law as Public Law 90–247, the Elementary and Secondary Education Amendments of 1967.

The text of P.L. 90–247, as it amends Title III, ESEA, is as follows:

PART C—REVISION OF TITLE III OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 131. Title III of theElementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE III SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES

"APPROPRIATIONS AUTHORIZED

"SEC. 301. (a) The Commissioner shall carry out a program for making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs.

"(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $100,000,000 for the fiscal year ending June 30, 1966; $175,000,000 for the fiscal year ending June 30, 1967; $500,000,000 for the fiscal year ending June 30, 1968; $512,500,000 for the fiscal year ending June 30, 1969; $550,000,000 for the fiscal year ending June 30, 1970. In addition, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1968, and each of the two succeeding fiscal years, such sums as may be necessary for the administration of State plans, the activities of advisory councils, and the evaluation and dissemination activities required under this title.

"ALLOTMENT AMONG STATES

"SEC. 302. (a) (1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition for each fiscal year ending prior to July 1, 1969, he shall allot from such amount to (A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) From the sums appropriated for making grants under thistitle for any fiscal year pursuant to section 301(b), the Commissioner shall allot $200,000 to each State and shall allot the remainder of such sums among the States as follows:

"(A) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States, and

"(B) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the State bears to the population of all the States.

For the purposes of this subsection, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(b) The number of children aged five to seventeen, inclusive, and the total population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount allotted to any State under subsecton (a) for any fiscal year, which the Commissioner determines will not be required for the period for which that amount is available, shall be available for grants pursuant to section 306 in such State, and if not so needed may be reallotted or used for grants pursuant to section 306 in other States. Funds available for reallotment may be realloted from time to time, on such dates during that period as the Commissioner may fix, among other States in proportion to the amounts originally allotted among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates that State needs and will be able to use for that period; and the total of these reductions may be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount realloted to a State under this subsection from funds appropriated pursuant to section 301 for any fiscal year shall be deemed to be a part of the amount alloted to it under subsection (a) for that year.

"(d) The amounts made available under the first sentence of subsection (c) for any fiscal year shall remain available for grants during the next succeeding fiscal year.

"USES OF FEDERAL FUNDS

"SEC. 303. (a) Funds appropriated pursuant to section 301 shall, except as provided in subsection (b), be available only for grants in accordance with applications approved pursuant to this title for—

"(1) planning for and taking other steps leading to the development of programs or projects designed to provide supplementary educational activities and services described in paragraphs (2) and (3), including pilot projects designed to test the effectiveness of plans so developed;

"(2) the establishment or expansion of exemplary and innovative educational programs (including dual-enrollment programs and the lease or construction of necessary facilities) for the purpose of stimulating the adoption of new educational programs (including those described in section 603(4) and special programs for handicapped children) in the schools of the State; and

"(3) the establishment, maintenance, operation, and expansion of programs or projects, including the lease or construction of necessary facilities and the acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing, especially through new and improved approaches, supplementary educational services and activities, such as—

"(A) comprehensive guidance and counselling, remedial instruction, and school health, physical education, recreation, psychological, social work, and other services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

"(B) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;

"(C) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages, and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

"(D) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis for the benefit of children in public and other nonprofit schools, organizations, and institutions;

"(E) developing, producing, and transmitting radio and television programs for classroom and other educational use;

"(F) in the case of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs (including preschool education), because some or all of its schools are seriously overcrowded, obsolete, or unsafe, initiating and carrying out programs or projects designed to meet those needs, particularly those which will result in more effective use of existing facilities.

"(G) providing special educational and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the provision of mobile education services and equipment, special home study courses, radio, television, and related forms of instruction, bilingual education methods, and visiting teachers' programs;

"(H) encouraging community involvement in educational programs; and

"(I) other specially designed educational programs or projects which meet the purposes of this title.

"(b) In addition to the uses specified in subsection (a), funds appropriated for carrying out this title may be used for—

"(1) proper and efficient administration of State plans;

"(2) obtaining technical, professional, and clerical assistance and the services of experts and consultants to assist the advisory councils authorized by this title in carrying out their responsibilities; and

"(3) evaluation of plans, programs, and projects, and dissemination of the results thereof.

"APPLICATIONS FOR GRANTS—CONDITIONS FOR APPROVAL

"SEC. 304. (a) A grant under this title pursuant to an approved State plan or by the Commissioner for a supplementary educational center or service program or project may be made only to a local educational agency or agencies, and then only if there is satisfactory assurance that, in the planning of that program or project there has been, and in the establishment and carrying out thereof there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served. The term 'cultural and educational resources' includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources. Such grants may be made only upon application to the appropriate State educational agency or to the Commissioner, as the case may be, at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such applications shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes set forth in section 303(a) and provide for such methods of administration as are necessary for the proper and efficient operation of the programs;

"(3) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 303(a), and in no case supplant such funds;

"(4) provide, in the case of an application for assistance under this title which includes a project for the construction of necessary facilities, satisfactory assurance that—

"(A) reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities,

"(B) upon completion of the construction, title to the facilities will be in a State or local educational agency,

"(C) in developing plans for such facilities, (i) due consideration will be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and (ii) there will be compliance with such standards as the Secretary may prescribe or approve in order to insure that, to the extent appropriate in view of the uses to be made of the facilities, such facilities are accessible to and usable by handicapped persons, and

"(D) the requirements of section 3:0 will be complied with;

"(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(6) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extract to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and vertification of such reports.

"(b) An application by a local educational agency for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources and will substantially increase the educational opportunities in the area to be served by the applicant, and

"(B) to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type provided by the program or project, makes provision for the participation of such children; and

"(3) has been reviewed by a panel of experts.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"STATE ADVISORY COUNCILS AND STATE PLANS

"SEC. 305. (a)(1) Any State desiring to receive payments for any fiscal year to carry out a State plan under this title shall (A) establish within its State educational agency a State advisory council (hereinafter referred to as the 'State advisory council') which meets the requirements set forth in paragraph (2), (B) set dates before which local educational agencies must have submitted applications for grants to the State educational agency, and (C) submit to the Commissioner, through its State educational agency, a State plan at such time and in such detail as the Commissioner may deem necessary. The Commissioner may, by regulation, set uniform dates for the submission of State plans and applications.

"(2) The State advisory council, established pursuant to paragraph (1), shall—

"(A) be appointed by the State educational agency, and be broadly representative of the cultural and educational resources of the State (as defined in section 304(a)) and of the public, including persons representative of—

"(i) elementary and secondary schools,

"(ii) institutions of higher education, and

"(iii) areas of professional competence in dealing with children needing special education because of physical or mental handicaps;

"(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, the State plan, including the development of criteria for approval of applications under such State plan;

"(C) review, and make recommendations to the State educational agency on the action to be taken with respect to, each application for grant under the State plan;

"(D) evaluate programs and projects assisted under this title;

"(E) prepare and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate to the Commissioner and to the National Advisory Council established pursuant to this title, at such times, in such form, and in such detail, as the Secretary may prescribe; and

"(F) obtain such professional, technical, and clerical assistance as may be necessary to carry out its functions under this title.

"(b) The Commissioner shall approve a State plan, or modification thereof, if he determines that the plan submitted for that fiscal year—

"(1) sets forth a program (including educational needs, and their basis, and the manner in which the funds paid to the State under this title shall be used in meeting such educational needs) under which funds paid to the State under section 307(a) will be expended solely for the improvement of education in the State through grants to local educational agencies for programs or projects in accordance with sections 303 and 304. *Provided*. That, in the case of a State educational agency that also is a local educational agency, its approval of a program or project to be carried out by it in the latter capacity shall, for the purposes of this title, be deemed an award of a grant by it upon application of a local educational agency if the State plan contains, in addition to the provisions otherwise required by this section, provisions and assurances (applicable to such program or project) that are fully equivalent to those otherwise required of a local educational agency;

"(2) sets forth the administrative organization and procedures, including the qualifications for personnel having responsibilities in the administration of the plan in such detail as the Commissioner may prescribe by regulation;

"(3) sets forth criteria for achieving an equitable distribution of assistance under this title, which criteria shall be based on consideration of (A) the size and population of the State, (B) the geographic distribution and density of the population within the State, and (C) the relative need of persons in different geographic areas and in different population groups within the State for the kinds of services and activities described in section 303, and the financial ability of the local educational agencies serving such persons to provide such services and activities;

"(4) provides for giving special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four- and five-year-olds and including where appropriate bilingual education, because some or all of its schools are seriously overcrowded (as a result of growth, or shifts in enrollment or otherwise), obsolete, or unsafe;

"(5) provides that, in approving applications for grants for programs or projects, applications proposing to carry out programs or projects planned under this title will receive special consideration;

"(6) provides for adoption of effective procedures (A) for the evaluation, at least annually, of the effectiveness of the programs and projects, by the State advisory council, supported under the State plan in meeting the purposes of this title, (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (C) for adopting, where appropriate, promising educational practices developed through such programs or projects;

"(7) provides that not less than 50 per centum of the amount which such State receives to carry out the plan in such fiscal year shall be used for purposes of paragraphs (1) and (2) of section 303(a);

"(8) provides that not less than 15 per centum of the amount which such State receives to carry out the plan in such fiscal year shall be used for special programs or projects for the education of handicapped children;

"(9) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, and (B) will be so used as to supplement and, to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner, by regulation) that would, in the absence of such Federal funds, be made by the applicant for educational purposes;

"(10) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title;

"(11) provides for making an annual report and such other reports, in such form and containing such informations, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the areas served by programs or projects supported under the State plan and in the State as a whole, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (6), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(12) provides that final action with respect to any application (or amendment thereof) (3) regarding the proposed final disposition thereof shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing; and

"(13) contains satisfactory assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

"(c) The Commissioner may, if he finds that a State plan for the fiscal year ending June 30, 1969, is in substantial compliance with the requirements set forth in subsection (b), approve that part of the plan which is in compliance with such requirements and make available (pursuant to section 30) to that State that part of the State's allotment which he determines to be necessary to carry out that part of the plan so approved. The remainder of the amount which such State is eligible to receive under this section may be made available to such State only if the unapproved portion of that State plan has been so modified as to bring the plan into compliance with such requirements: *Provided*, That the amount made available to a State pursuant to this subsection shall not be less than 50 per centum of the maximum amount which the State is eligible to receive under this section.

"(d) A State which has had a State plan approved for any fiscal year may receive for the purpose of carrying out such plan an amount not in excess of 75 per centum of its allotment pursuant to section 302 for the fiscal year ending June 30, 1969, and for the fiscal year ending June 30, 1970, plus for such fiscal year ending June 30, 1970, such part of the remainder of such allotment as is not used pursuant to section 306.

"(e)(1) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearings to any State educational agency, finds that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 305 or with any requirement set forth in the application of a local educational agency approved pursuant to section 304, the Commissioner shall notify the agency that further payments will not be made to the State under this title (or, in his discretion, that the State educational agency shall not make further payments under this title to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this title, or payments by the State educational agency under this title shall be limited to local educational agencies not affected by the failure, as the case may be.

"(3)(A) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under subsection (a) or with his final action under paragraph (2), such State may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(B) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings.

"(C) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(f)(1) If any local educational agency is dissatisfied with the final action of the State educational agency with respect to approval of an application by such local agency for a grant pursuant to this title, such local agency may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State educational agency. The State educational agency thereupon shall file in the court the record of the proceedings on which the State educational agency based its action as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the State educational agency, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the State educational agency to take further evidence, and the State educational agency may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the State educational agency or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SPECIAL PROGRAMS AND PROJECTS

"Sec. 306. (a) From the portion described in subsection (c) of the amount allotted to any State, pursuant to section 302, the Commissioner is authorized, subject to the provisions of section 304, to make grants to local educational agencies in such State for programs or projects which meet the purposes of section 303 and which, in the case of a local educational agency in a State which has a State plan approval, hold promise of making a substantial contribution to the solution of critical educational problems common to all or several States. The Commissioner may not approve an application under this section unless the application has been submitted to the appropriate State educational agency for comment and recommendation with respect to the action to be taken by the Commissioner regarding the disposition of the application.

"(b) Not less than 15 per centum of the funds granted pursuant to this section in any fiscal year shall be used for programs or projects designed to meet the special educational needs of handicapped children.

"(c) For the fiscal year ending June 30, 1969, not in excess of 25 per centum of a State's allotment shall be available for the purposes of this section, and for the fiscal year ending June 30, 1970, only such part, not in excess of 25 per centum, of such allotment shall be available as is necessary to continue toward completion projects pursuant to this section in such State which were initiated prior to such fiscal year except that, for the fiscal year ending June 30, 1969, any portion of a State's allotment which is not available for grants under an approved State plan shall be available for grants in such State under this section.

"PAYMENTS

"Sec. 307. (a) From the allotment to each State pursuant to section 302, for any fiscal year, the Commissioner shall pay to each State, which has had a plan approved pursuant to section 305 for that fiscal year, the amount necessary to carry out its State plan as approved.

"(b) The Commissioner is authorized to pay to each State amounts necessary for the activities described in section 303(b), during any fiscal year, except that (1) the total of such payments shall not be in excess of an amount equal to 7½ per centum of its allotment for that fiscal year or $150,000 ($50,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, and (2) in such payment, the amount paid for the administration of the State plan during the fiscal year ending June 30, 1970, shall not exceed an amount equal to 5 per centum of its allotment for that fiscal year or $100,000 ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

"(c) The Commissioner shall pay to each applicant which has an application approved pursuant to section 306 the amount necessary to carry out the program or project pursuant to such application.

"(d) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(e) No payments shall be made under this title to any local educational agency or to any State unless the Commissioner finds, in the case of a local educational agency, that the combined fiscal effort of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year or, in the case of a State, that the fiscal effort of that State for State aid (as defined by regulation) with respect to the provision of free public education in that State for the preceding fiscal year was not less than such fiscal effort for State aid for the second preceding fiscal year.

"RECOVERY OF PAYMENTS

"SEC. 308. If within twenty years after completion of any construction for which Federal funds have been paid under this title—

"(a) the owner of the facility shall cease to be a State or local educational agency, or

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"NATIONAL ADVISORY COUNCIL

"SEC. 309. (a) The President shall, by January 31, 1968, appoint a National Advisory Council on Supplementary Centers and Services which shall—

"(1) review the administration of general regulations for, and operation of this title, including its effectiveness in meeting the purposes set forth in section 303;

"(2) review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to section 305(a)(2)(E);

"(3) evaluate programs and projects carried out under this title and disseminate the results thereof; and

"(4) make recommendations for the improvement of this title, and its administration and operation.

"(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of twelve members, a majority of whom shall be broadly representative of the educational and cultural resources of the United States including at least one person who has professional competence in the area of education of handicapped children. Such members shall be appointed for terms of three years except that (1) in the case of the initial members, four shall be appointed for terms of one year each and four shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. When requested by the President, the Secretary of Health, Education, and Welfare shall engage such technical and professional assistance as may be required to carry out the functions of the Council, and shall make available to the Council such secretarial, clerical and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out its functions.

"(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President and the Congress not later than January 20 of each year. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.

"(d) Members of the Council who are not regular full-time employees of the United States shall, while serving on business of the Council be entitled to receive compensation at rates fixed by the President, but not exceeding $100 per day, including travel-time; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"LABOR STANDARDS

"SEC. 310. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)."

EFFECTIVE DATE

SEC. 132. (a) The amendment made by section 131 shall be effective July 1, 1968, except as specifically provided in subsection (b).

(b) (1) That part of section 305(a) of the Elementary and Secondary Education Act of 1965, as amended by section 131, concerning State advisory councils, and section 309 of such Act, as so amended, shall be effective upon enactment of this Act.

(2) The second sentence of section 301(b) of such Act ,as so amended, shall be effective upon enactment of this Act.

(c) The Commissioner is authorized, upon enactment of this Act, to take such steps as he may deem appropriate in order to prepare to implement the amendment made by section 131.

IV. Public Law 91–320

1970 ESEA AMENDMENTS—

House of Representatives

Mr. Perkins of Kentucky introduced H.R. 514, a bill "to extend programs of assistance for elementary and secondary education and for other purposes," on January 3, 1969. The Committee on Education and Labor held hearings on H.R. 514 for a total of twenty-one days between January and March 1969. On March 24, 1969, the Committee favorably reported H.R. 514 after striking out all after the enacting clause and inserting in place substitute language (H. Rept. No. 91–114, 91st Cong., 1st Sess.). The House debated H.R. 514 on April 21, 22, and 23, 1969.

Title III of H.R. 514, as reported, extended Title III, ESEA for five years and amended this Title to provide that, the authorizations for Indian children in Bureau of Indian Affairs schools and children in Department of Defense Overseas be coterminous with the regular Title III authorization. In addition, H.R. 514, as reported, included an amendment to assure participation by all eligible students in Title III of ESEA. Concerning this amendment the Committee Report of March 24 stated:

> The amendment provides that, if there is a substantial failure to provide for effective participation on an equitable basis in supplemental education centers and services programs by children and teachers in the schools in the area to be served by the program, the Commissioner is given authority to arrange for the provision of an equitable basis of such programs paying

the cost of such out of the State's Title III allotment. A comparable provision has been in operation since 1965 with respect to the library resources textbooks and other instructional materials program authorized by Title II. (H. Rept. No. 114, p. 13).

During the debate on H.R. 514, as reported, the following amendments concerning Title III, ESEA were offered on the floor of the House:

April 23

(1) Mrs. Green of Oregon offered an amendment in the nature of a substitute to strike out all of H.R. 514 after the enacting clause and to insert new language for the entire bill. (Congressional Record, v. 115, Pt. 8, p. 10053). Within the Green Amendment, Title III—Extention and Amendment of Title III of the Elementary and Secondary Education Act of 1965, and Title I—Consolidator of Special State-Grant programs directly affected Title III, ESEA, Supplementary Educational Centers and Services. Under Title III of the Green Amendment, the same kinds of changes in Title III ESEA were proposed as in the Committee reported bill, except that the Green amendment provided for only a two year extension of this title. Under Title IX of the Green substitute, four existing State grant programs, Titles III (a) and V (a) of NDEA (National Defense Education Act) and II and III of ESEA, were to be combined into a single State grant program administered under a single State plan approved by the Commissioner of Education. (pp. 10054–60).

(a) Mr. Perkins offered an amendment by way of a substitute to the Green Amendment to strike out all after the enacting clause and to insert new language. (Congressional Record, v. 115, Pt. 8, p. 10061). The Perkins substitute amendment for the Green Amendment was essentially the same as the Committee reported bill, except that the Perkins Amendment deleted the proposed State advisory council under Title I, deleted the provisions with respect to parental and community involvement, and extend the programs under ESEA for three years The Perkins substitute amendment contained no language seeking to consolidate Titles III (a) and V (a) of NDEA with II and III of ESEA. (p. 10064).

The Perkins substitute amendment was rejected: 152 ayes, 203 noes. (p. 10092).

(b) Mr. Erlenborn of Illinois offered an amendment to include antibussing language in the Green substituted amendment. (Congressional Record, v. 115, Pt. 8, p. 10067) Amendment rejected. (p. 10070).

(c) Mr. Teague of Texas offered an amendment to the Green substitute amendment to restrict counting children whose parents pay real property taxes for the purposes of P.L. 81–874. (Congressional Record, v. 115, Pt. 8, p. 10071) Amendment rejected. (p. 10071).

(d) Mr. Erlenborn offered a conforming amendment to Title I of the Green substitute amendment. (Congressional Record, v. 115, Pt. 8, p. 10074)

The Green amendment, as amended, in the nature of a substitute for H.R. 514 was agreed to: 235 yeas, 184 nays, 13 not voting. (Congresisonal Record, v. 115, Pt. 8, p. 10098).

After a motion to recommit was rejected, H.R. 514, as amended, passed the House on April 23, 1969 by a vote of 400 yeas, 17 nays, 1 present, and 14 not voting. (Congressional Record, v. 115, Pt. 8, pp. 10098–9).

The following is the text of H.R. 514, as passed by the House, Title III and Title IX, Section 906, referring to the amendments to Title III of P.L. 89–10:

"Title III—Extension and Amendment of Title III of the Elementary and Secondary Education Act of 1965

"EXTENSION OF TITLE III

"Sec. 301. (a) Section 301(b) of the Elementary and Secondary Education Act of 1965 is amended by inserting after '19.0' the following: ', and for each of the two succeeding fiscal years', and by striking out 'two' in the last sentence and inserting in lieu thereof 'four'.

"(b) The third sentence of section 302(a) (1) of such Act is amended by striking out 'for each fiscal year ending prior to July 1, 1969,'.

"(c) Clause (2) of section 307(b) of such Act is amended by striking out 'during the fiscal year ending June 30, 1970' and inserting in lieu thereof 'for any fiscal year ending after June 30, 1969'.

"PROVISIONS TO ASSURE PARTICIPATION BY ALL ELIGIBLE STUDENTS

"SEC. 302. Section 307 of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new subsection:

" '(f)(1) In any State which has a State plan approved under section 305 and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in programs authorized by this part by children and teachers in any one or more elementary or secondary schools of such State in the area or areas served by such programs, the Commissioner shall arrange for the provision on an equitable basis of such programs and shall pay the costs thereof for any fiscal year, out of that State's allotment. The Commissioner may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

" '(2) In determining the amount to be withheld from any State' allotment for the provision of such programs, the Commissioner shall take into account the number of children and teachers in the area or areas served by such programs who are excluded from participation therein and who, except for such exclusion, might reasonably have been expected to participate.'

"TITLE IX—MISCELLANEOUS

"PROGRAM CONSOLIDATION

"SEC. 906. The Elementary and Secondary Education Act of 1965 is further amended by adding a new title as follows:

" 'TITLE IX—CONSOLIDATION OF SPECIAL STATE-GRANT PROGRAMS

" 'APPROPRIATIONS AUTHORIZED

" 'SEC. 901. (a) The Commissioner shall carry out a program for making grants to the States for the uses and purposes set forth in section 903 of this title.

" '(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $1,000,000,000 for the fiscal year ending June 30, 1971, and for the succeeding fiscal year.

" 'ALLOTMENTS TO STATES

" 'SEC. 902. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for payments to States under section 901(b). From the amount appropriated for any fiscal years pursuant to the preceding sentence the Commissioner shall allot (A) among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands an amount determined by him according to their respective needs for assistance under this title, and (B) to (i) the Secretary of the Interior the amount necessary to provide programs and projects for the purposes of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (ii) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

" '(2) From the sums appropriated for carrying out this title for any fiscal year pursuant to section 901(b), the Commissioner shall allot to each State an amount which bears the same ratio to the total of such sums as the number of children aged five to seventeen, inclusive, in that State bears to the total number of such children in all the States. The amount allotted to any State under the preceding sentence for any fiscal year which is less than its aggregate base year allotment shall be increased to an amount equal to such aggregate, the total thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being reduced to less than its aggregate base year allotment. For the purposes of this subsection, (A) the term "aggregate base year allotment" with respect to a State means the sum of the allotment to the State, for the fiscal year ending June 30, 1969, under titles II and III of this Act and part A of title III and part A of title V of the National Defense Education Act of 1958; (b) the term "State" does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and (C) the number of children aged five to seventeen, inclusive in each State and in all of the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

" '(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time, on such date during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated pursuant to section 901 shall be deemed part of its allotment under subsection (a) for such year.

" 'USES OF FEDERAL FUNDS

" 'SEC. 903 (a) It is the purpose of this title to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs formerly authorized by titles II and III of the Elementary and Secondary Education Act of 1965 and by titles III–A and V–A of the National Defense Education Act, and except as expressly modified by this title. Federal funds may be used for the purchase of the same kinds of equipment and materials and the funding of the same types of programs previously authorized by those titles.

" '(b) Grants under this title may be used in accordance with State plans approved under section 906, for

" '(1) the provision of library resources, textbooks, other printed and published instructional materials, laboratory and other instructional equipment, and audiovisual equipment and materials for the use of children and teachers in public and private elementary and secondary schools of the State;

" '(2) the provision of supplementary educational centers and services to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary public and private elementary and secondary school educational programs to serve as models of regular school programs: and

" '(3) programs for testing students in the public and private elementary and secondary schools and in junior colleges and technical institutes in the State, and programs designed to improve guidance and counseling services at the appropriate levels in such schools.

" '(c) In addition to the uses specified in subsection (b), funds appropriated for carrying out this title may be used for—

" '(1) proper and efficient administration of the State plan;

" '(2) obtaining technical, professional, and clerical assistance and the services of experts and consultants to assist the advisory council authorized by this title in carrying out its responsibilities; and

" '(3) evaluation of plans, programs, and projects, and dissemination of the results thereof.

" 'PARTICIPATION OF PUPILS AND TEACHERS IN NONPUBLIC SCHOOLS

" 'SEC. 904 (a) Except with respect to uses described in subsection (c), funds appropriated pursuant to section 901 shall be utilized only for programs which provide for the effective participation on an equitable basis of children and teachers in private elementary and secondary schools in the State which comply with the compulsory attendance laws of the State or are otherwise recognized by it through some procedure customarily used in the State.

" '(b) In order to facilitate the policy set forth in subsection (a) the State educational agency shall take appropriate action to provide liaison with private elementary and secondary school officials in the State.

" '(c) The State educational agency, in approving applications of local educational agencies for programs and projects funded under this Act, shall assure that in the planning of such programs and projects there has been, and in the establishment and carrying out thereof there will be, suitable involvement of private elementary and secondary school officials in the area to be served by such programs or projects.

" 'PUBLIC CONTROL OF LIBRARY RESOURCES AND INSTRUCTIONAL EQUIPMENT AND TYPES WHICH MAY BE MADE AVAILABLE; PROHIBITION OF USE FOR RELIGIOUS INSTRUCTION OR WORSHIP

" 'SEC. 905 (a) Title to library resources, textbooks, other printed and published instructional materials, laboratory and other instructional equipment, and audiovisual equipment and materials furnished pursuant to this title, and control and administration of their use, shall vest only in a public agency.

" '(b) The library resources, textbooks, other printed and published instructional materials, laboratory and other instructional equipment, and audiovisual equipment and materials made available pursuant to this title for use of children and teachers in any school in any State shall be limited to those which have been approved by an appropriate State or local educational authority or agency for use, or are used, in a public elementary or secondary school of that State, and provision for the participation of private school pupils and teachers shall not include the construction or remodeling of private school facilities.

" '(c) The library resources, textbooks, instructional materials and equipment, and educational services of all kinds made available pursuant to this title shall be used only for secular purposes and for instruction in secular studies and the use of such resources, textbooks, materials and equipment, or educational services for religious instruction or in connection with religious worship is expressly prohibited.

" 'STATE PLANS

" 'SEC. 906. (a) Any State which desires to receive grants under this title shall submit to the Commissioner, through its State educational agency, a State plan, in such detail as the Commissioner deems necessary, which—

" '(1) designates the State educational agency (which may act either directly or through arrangements with other State or local public agencies) as the sole agency for administration of the State plan;

" '(2) sets forth a program under which funds paid to the State from its allotment under section 901 will be expended solely by public agencies and only for the purposes set forth in section 903;

" '(3) provides assurances satisfactory to the Commissioner that the requirements of sections 904 and 905 will be effectively carried out and sets forth in such detail as the Commissioner may deem necessary the criteria, methods, and procedures to be utilized in meeting these requirements:

" '(4) provides assurances that the funds allocated for each of the uses authorized for section 903 shall not be less than 50 per centum of the State allotment for fiscal year 1969 for each such use under titles III–A and V–A of the National Defense Education Act and titles II and III of the Elementary and Secondary Education Act of 1965;

" '(5) provides that not less than 15 per centum of funds allocated for supplementary educational centers and services shall be used for special programs or projects for the education of handicapped children;

" '(6) takes into consideration the relative need, as determined from time to time, of the children and teachers of the State for the services, materials, and equipment provided under this title, sets forth principles for achieving an equitable distribution of assistance under this title giving appropriate consideration to (A) the geographic distribution and density of population within the State and (B) the relative need of children and teachers in different geographic areas and within different population groups in the State for the assistance provided under this title, and for determining the priority of applications in the State for such assistance, and provides for approving such applications in the order so determined:

" '(7) provides for adoption of effective procedures (A) for the evaluation, at least annually, of the effectiveness of programs and projects supported under the State plan, (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (C) for adopting, where appropriate, promising educational practices developed through such programs or projects;

"'(8) contains the necessary certification of the State advisory council established pursuant to the requirements of section 907(b);

"'(9) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, and (B) will be so used as to supplement and, to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner, by regulation) that would, in the absence of such Federal funds, be made by the applicant for educational purposes;

"'(10) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title;

"'(11) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the areas served by the programs or projects supported under the State plan and in the State as a whole, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (7), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"'(12) provides that final action with respect to any application (or amendment thereof) regarding the proposed final disposition thereof shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing; and

"'(13) contains satisfactory assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

"'(b) The Commissioner may, if he finds that a State plan for any fiscal year is in substantial compliance with the requirements set forth in subsection (a), approve that part of the plan which is in compliance with such requirements and make available (pursuant to section 908) to that State that part of the State's allotment which he determines to be necessary to carry out that part of the plan so approved. The remainder of the amount which such State is eligible to receive under this section may be made available to such State only if the unapproved portion of that State plan has been so modified as to bring the plan into compliance with such requirements: *Provided*, That the amount made available to a State pursuant to this subsection shall not be less than 50 per centum of the maximum amount which the State is eligible to receive under this section.

"'(c)(1) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

"'(2) Whenever the Commissioner, after reasonable notice and opportunity for hearings to any State educational agency, finds that there has been a failure to comply substantially with any requirement set forth in the approved plan of that State or with any requirement set forth in the application of a local educational agency approved pursuant to such plan, the Commissioner shall notify the agency that further payments will not be made to the State under this title (or, in his discretion, that the State educational agency shall not make further payments under this title to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this title, or payments by the State educational agency under this title shall be limited to local educational agencies not affected by the failure, as the case may be.

"'(3)(A) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under subsection (a) or with his final action under paragraph (2), such State may, within 60 days after notice of such action, file with the United States Court of Appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

" '(B) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown may remand the case to the Commissioner to take further evidence and the Commissioner may thereupon make a new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings.

" '(C) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

" 'STATE ADVISORY COUNCIL

" 'SEC. 907. (a) Any State desiring to receive payments to carry out a State plan under this title shall establish a State Advisory Council (hereinafter referred to as "the Council") which shall—

" '(1) be appointed by the State educational agency and be broadly representative of the cultural and educational resources of the State and of the general public, including persons representative of—

" '(A) public elementary and secondary schools,

" '(B) private elementary and secondary schools,

" '(C) urban education,

" '(D) rural education,

" '(E) higher education, including junior and community colleges,

" '(F) the State library system, and

" '(G) areas of professional competence in dealing with children needing special education because of physical or mental handicaps;

" '(2) advise the State educational agency on the preparation of, and policy matters arising in the administration of, the State plan including development of criteria for the alloaction of funds within the State and the approval of applications under such State plan;

" '(3) assist the State educational agency in evaluating programs and projects assisted under this title;

" '(4) prepare and submit through the State educational agency a report of its activities and recommendations, together with such additional comments as the State educational agency may deem appropriate, to the Commissioner and to the National Advisory Council, established pursuant to this title, at such times, in such form, and in such detail as the Secretary may prescribe; and

" '(5) obtain such professional, technical, and clerical assistance as may be necessary to carry out its functions under this title.

" '(b) The Commissioner shall not approve a State plan submitted under section 906 unless it is accompanied by a certification of the Chairman of the Council that such plan has been reviewed by the Council. Such certification shall be accompanied by such comments as the Council or individual members thereof deem appropriate, and shall indicate whether the plan meets with the approval of the Council and, if not, the reasons for its disapproval. Upon the disapproval of a State plan by the Council the Commissioner shall not approve such plan until he had afforded the Council or its designated representative an opportunity for a hearing.

" 'PAYMENTS TO STATES

" 'SEC. 908. (a)(1) From each State's allotment under section 902 (or in part thereof made available to the State under section 906(b)) for any fiscal year the Commissioner shall pay to that State, if it has in effect a State plan approved pursuant to section 906 for that fiscal year, an amount equal to the amount expended by the State for the uses referred to in section 903 (a) and (b) in accordance with its State plan.

" '(2) The Commissioner is further authorized to pay each State, from its allotment for any fiscal year, amounts necessary for the activities described in section 903(c), except that the total of such payments pursuant to this paragraph shall not exceed 7½ per centum of its allotment for that year or $175,000

($60,000 in the case of Puerto Rico, Guam, American Samoa, the Virgin Islands), whichever is greater.

" '(b) In any State which has a State plan approved under section 906 and in which no State agency is authorized by law to provide library resources, textbooks, other printed and published instructional materials, laboratory and other instructional equipment, or audiovisual equipment and materials for the use of children and teachers in any one or more elementary or secondary schools in such State, the Commissioner shall arrange for the provision on an equitable basis of such library resources, textbooks, other instructional materials, laboratory and other instructional equipment, or audiovisual equipment and material for such use and shall pay the cost thereof for any fiscal year out of that State's allotment.

" '(c) (1) In any State which has a State plan approved under section 906 and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, testing or counseling and guidance services, or to provide for effective participation in supplementary educational centers and services, for the use of children and teachers in any one or more elementary or secondary schools of such State, the Commissioner shall arrange for the provision on an equitable basis of such service or services and shall pay the cost thereof for any fiscal year out of that State's allotment.

" '(2) In determining the amount to be withheld from any State's allotment for the provision of such services, the Commissioner shall take into account the number of children and teachers in the area or areas served by such programs who are excluded from participation therein and who, except for such exclusion, might reasonably have been expected to participate; the Commissioner may arrange for such services through contracts with institutions of higher education or other competent institutions or organizations, or by other appropriate methods.

" 'RECOVERY OF PAYMENTS

" 'SEC. 909. If within twenty years after completion of any construction for which Federal funds have been paid under this title—

" '(a) the owner of the facility shall cease to be a State or local educational agency, or

" '(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court or the district in which the facility is situated.

" 'NATIONAL ADVISORY COUNCIL

" 'SEC. 910 (a) The President shall, by January 31, 1970, appoint a National Advisory Council on Educational Assistance which shall—

" '(1) review the administration of, general regulations for, and operation of this title, including its effectiveness in meeting the purposes set forth in section 903;

" '(2) review, evaluate, and transmit to the Congress and the President its evaluation of the reports submitted pursuant to sections 906(a)(11) and 907(a)(4);

" '(3) evaluate programs and projects carried out under this title, and disseminate the results thereof; and

" '(4) make recommendations for the improvement of this title, and its administration and operation.

" '(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of twelve members, a majority of whom shall be broadly representative of educational and cultural resources of the United States including at least one person who has professional competence in the area of education of handicapped children. Such members shall be appointed for terms of three years except that (1) in the case of the initial members, four shall be appointed for terms of one year each and four shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. When requested by the President, the Secretary of Health, Education, and Welfare shall engage such technical and professional assistance as may be required to carry out the functions of the Council, and shall make available to the Council such secretarial, clerical and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out its functions.

"'(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President and the Congress not later than January 20 of each year. The President is requested to transmit to the Congress such comments and recommndations as he may have with respect to such report.

"'(d) Members of the Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding $100 per day, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"'LABOR STANDARDS

"'SEC. 911. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and function set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).'

"TECHNICAL AND CONFORMING AMENDMENTS

"SEC. 19. Title VIII of the Elementary and Secondary Education Act is amended by inserting at the end of section 801, 'Definitions', the following:

"'(1) The term "laboratory and other instructional equipment and audiovisual equipment and materials" means equipment and materials (other than supplies consumed in use) suitable for use in providing education in science, mathematics, history, civics, geography, economics, industrial arts, modern foreign languages, English, or reading (or, when available and suitable, for instruction in other subjects not involving religious instruction or worship if there exists a critical need therefor in the judgment of local school authorities) in public and private elementary or secondary schools or both, and testgrading equipment for such schools and specialized equipment for audiovisual libraries serving such schools, and minor remodeling of laboratory or other space used for such materials or equipment in public elementary or secondary schools.'

"USE OF FUNDS AVAILABLE UNDER AUTHORIZATIONS CONSOLIDATED BY THIS ACT

"SEC. 907. Title VIII of the Elementary and Secondary Education Act is amended by adding thereto the following new section:

"'CONSOLIDATION OF PROGRAMS

"'SEC. 809. Funds appropriated pursuant to the following authorizations shall be considered as funds appropriated pursuant to section 901 of the Elementary and Secondary Education Act of 1965, as amended by this Act:

"'(1) Section 301 of the National Defense Education Act of 1958 (as amended);

"'(2) Section 501 of the National Defense Education Act of 1958 (as amended);

"'(3) Section 201 of the Elementary and Secondary Education Act of 1965; and

"'(4) Section 301 of the Elementary and Secondary Education Act of 1965.'"

Senate

Mr. Pell of Rhode Island introduced S. 2218, a bil "to amed the Elementary and Secondary Education Act of 1965 and related acts, and for other purposes," on

May 20, 1969. The Subcommittee on Education of the Committee on Labor and Public Welfare held hearings on S. 2218 and H.R. 514, as passed by the House, during twelve days in June and July 1969. On January 21, 1970, the Committee favorably reported H.R. 514 after striking out all language after the enacting clause in the House passed bill and inserting substitute language. S. Rept. No. 91-634, 91st Cong., 1st Sess.). The Senate debated H.R. 514, as reported, on February 4, 5, 6, 9, 10, 16, 17, 18, and 19, 1970.

As reported by the Senate Committee, H.R. 514, under Title I, Part C contained the following amendments to Title III, ESEA:

> Part C of Title I contains amendments to Title III of the Elementary and Secondary Education Act of 1965 (supplementary educational services and centers).
>
> Section 131 extends all expiring provisions of Title III of the Elementary and Secondary Education Act through fiscal year 1974 with the exception of provisions relating to payments to the Secretary of the Interior and the Secretary of Defense which are identical to those in part B of Title I, as described above.
>
> Section 132 contains an amendment to provide for title III programs for gifted and talented children.
>
> Section 133 contains amendments to conform provisions of title III relating to State advisory councils and approval of State plans with similar provisions in other laws.
>
> Section 134 contains an amendment to title III to insure opportunity for participation in title III projects by children in private elementary and secondary schools. (S. Rept. No. 91–634, p. 2)

During the debate on H.R. 514, as reported, there were no amendments offered on the floor of the Senate with respect to Title III of ESEA.

On February 19, 1970, H.R. 514, as amended, passed the Senate by a vote of 80 yeas, 0 nays, and 20 not voting. (Congressional Record, v. 116, Pt. 3, p. 4170).

The text of H.R. 514, Part C—Amendments to Title III of the Elementary and Secondary Education Act of 1965—as passed by the Senate follows:

PART C—AMENDMENTS TO TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (SUPPLEMENTARY EDUCATIONAL SERVICES AND CENTERS)

EXTENSION OF TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 131. Title III of the Elementary and Secondary Education Act of 1965 is amended in the following respects:

(1) The first sentence of section 301(b) of such title is amended by striking out "and" where it appears after "1969;" and by striking out "the fiscal year ending June 30, 1970;" and inserting in lieu thereof "each of the fiscal years ending June 30, 1970, and June 30, 1971; $575,000,000 for the fiscal year ending June 30, 1972; $605,000,000 for the fiscal year ending June 30, 1973; and $635,000,000 for the fiscal year ending June 30, 1974".

(2) The second sentence of section 301(b) of such title is amended by striking out "two".

(3)(A) The third sentence of section 302(a)(1) of such title is amended by striking out "July 1, 1969," and inserting in lieu thereof "July 1, 1972,".

(B) The third sentence of such section 302(a)(1) is further amended (i) by striking out "(A)" and (ii) by striking out all that follows "Department of Interior" and inserting in lieu thereof a period.

(C) The fourth sentence of such section 302(a)(1) is amended by striking out "and the Secretary of Defense".

(4) Section 305(c) of such title is amended by striking out "the fiscal year ending June 30, 1969" and inserting in lieu thereof "any fiscal year ending prior to July 1, 1964".

(5) Secton 305(d) of such title is amended by striking out all that follows "section 302" and inserting in lieu thereof a period.

(6) Section 306(a) of such title is amended by striking out "From the portion described in subsection (c) of the amount allotted to any State pursuant to section 302" and inserting in lieu thereof "From the amount allotted to any State pursuant to section 302 which is not available to that State under a State plan approved pursuant to section 305".

(7) Section 306 of such title is amended by striking out subsection (c) thereof.

(8) Clause (2) of section 307(b) of such title is amended by striking out "during the fiscal year ending June 30, 1970" and inserting in lieu thereof "for any fiscal year ending after June 30, 1969".

PROVISIONS FOR GIFTED AND TALENTED CHILDREN

SEC. 132. (a) Section 303(a) of the Elementary and Secondary Education Act of 1965 (relating to the use of Federal funds for supplementary educational centers and services) is amended by—

(1) striking out "and" at the end of clause (H) thereof;

(2) redesignating clause (I) as clause (J); and

(3) inserting immediately after clause (H) the following new clause:

"(I) providing programs for gifted and talented children; and".

(b) The amendments made by this section shall be effective upon the enactment of this Act.

CONFORMING AMENDMENTS RELATING TO STATE ADVISORY COUNCILS AND APPROVAL OF STATE PLANS

SEC. 133. (a)(1) Section 305(a) of title III of the Elementary and Secondary Educaton Act of 1965 is amended by adding at the end thereof the following new paragraphs:

"(3) Not less than ninety days prior to the beginning of any fiscal year ending after June 30, 1970, in which a State desires to receive a grant under this title, such State shall certify the establishment of, and membership of, its State Advisory Council to the Commissioner.

"(4) Each State Advisory Council shall meet within thirty days after certification has been accepted by the Commissioner and select from its membership a chairman. The time, place, and manner of meeting shall be as provided by such Council, except that such Council shall have not less than one public meeting each year at which the public is given opportunity to express views concerning the administration and operation of this title.

"(5) State Advisory Councils shall be authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their functions.

"(6) The Commissioner shall not approve a State plan submitted under this section unless it is accompanied by a certification of the Chairman of the State Advisory Council that such plan has been reviewed by the State Advisory Council. Such certification shall be accompanied by such comments as the State Advisory Council or individual members thereof deem appropriate, and shall indicate whether the plan meets with the approval of the State Advisory Council and, if not, the reasons for its disapproval. In the event of the disapproval of the State plan by the State Advisory Council, the Commissioner shall not approve such plan until he has afforded the State Advisory Council or its designated representative reasonable notice and an opportunity for a hearing."

(2) Such section 305(a) is further amended (1) in paragraph (1), by striking out "set forth in paragraph (2)" and inserting in lieu thereof "of this subsection", (2) by striking out "; and" where it appears at the end of subparagraph (E) of paragraph (2) and inserting in lieu thereof a period, (3) by inserting "and" after the semicolon at the end of subparagraph (D) of paragraph (2), and (4) by striking out subparagraph (F) of paragraph (2).

(b) Paragraph (1) of section 305(e) of such title III is amended to read as follows:

"(c)(1) The Commissioner shall not approve any State plan pursuant to this section for any fiscal year ending after June 30, 1970, unless the plan has, prior to its submission, been made public by the State agency and a reasonable opportunity has been given by that agency for comment thereon by interested persons (as defined by regulations of the Commissioner). The State educational agency shall make public the plan as finally approved. The Commissioner shall not finally disapprove any plan submitted under this title, or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing."

PROVISIONS TO ASSURE PARTICIPATION BY ALL ELIGIBLE STUDENTS

SEC. 134. Section 307 of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new subsection:

"(f)(1) In any State which has a State plan approved under section 305(c) and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in programs authorized by this title by children enrolled in any one or more private elementary or secondary schools of such State in the area or areas served by such programs, the Commissioner shall arrange for the provision, on an equitable basis, of such programs and shall pay the costs thereof for any fiscal year out of that State's allotment. The Commissioner may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

"(2) In determining the amount to be withheld from any State's allotment for the provision of such programs, the Commissioner shall take into account the number of children and teachers in the area or areas servved by such programs who are excluded from participation therein and who, except for such exclusion, might reasonably have been expected to participate."

CONFERENCE AND FINAL PASSAGE

On March 9, 1970, under a unanimous consent agreement requested by Mr. Perkins, the House disagreed to the Senate amendments to H.R. 514 and requested a Conference with the Senate. Representatives Perkins, Green of Oregon, Thompson of New Jersey, Dent, Pucinski, Daniels of New Jersey, Brademas, O'Hara, Carey, Hawkins, Ford of Michigan, Hathaway, Mink, Meeds, Ayers, Quie, Ashbrook, Bell of California, Erlenborn, Scherle, Dellenback, Esch, Steiger of Wisconsin, and Ruth were appointed as the House conferees. (Congressional Record, v. 116, Pt. 5, p. 6396)

On March 9, Mr. Mansfield moved that the Senate insist on its amendments to H.R. 514 and agree to the request of the House for a Conference. The motion was agreed to and Senators Pell, Yarborough, Randolph, Williams of New Jersey, Kennedy, Mondale, Eagleton, Prouty, Javits, Dominick, Murphy, and Schweiker were appointed conferees on the part of the Senate. (Congressional Record, v. 116, Pt. 5, p. 6463)

The Conference Report on H.R. 514 (H. Rept. No. 91-1049, 91st Cong., 2nd Sess.) contains the following description of the resolution differences regarding the amendments to Title III, ESEA:

AMENDMENTS TO TITLE III OF ESEA

(Supplementary Educational Services and Centers, and Guidance, Counseling, and Testing)

Consolidation.—The House bill added a new title IX to ESEA which provided grants to States for programs of the types now authorized by title II of ESEA (school library resources, textbooks, and other instructional materials), title III of ESEA (supplementary educational centers and services, which also includes authorization for guidance counseling and testing of students), title III-A of the National Defense Education Act of 1958 (financial assistance for strengthening instruction in science, mathematics, modern foreign languages, and other critical subjects), and title V-A of the National Defense Education Act of 1958 (guidance, counseling, and testing of students). These grants would be provided on a consolidated basis. It authorized the appropriation of $1,000,000,000 for the fiscal year 1971 and for the fiscal year 1972. The Senate amendment contained no comparable provision, though the Senate extended the provisions of title II and III of ESEA through fiscal year 1974. The House bill, in addition to the new consolidation title, extended the provisions of title II and III through 1972. The conference substitute contains, in a revised title III of ESEA, a consolidation of programs now authorized by title III of ESEA and title V-A of the National Defense Education Act.

Extension of title III, ESEA.—For title III of ESEA, the House bill and the Senate amendment provided the following authorizations:

	House bill	Senate amendment
Fiscal year 1971	$550,000,000	$550,000,000
Fiscal year 1972	550,000,000	575,000,000
Fiscal year 1973	(1)	605,000,000
Fiscal year 1974	(1)	635,000,000

[1] No authorization.

With respect to title III, the conference agreement adopts the Senate authorizations for fiscal years 1971, 1972, and 1973, with the proviso that each state shall expend for guidance, counseling, and testing programs an amount each year which is at least equal to 50 percent of the amount expended by the State from 1970 appropriations for title V–A of the National Defense Education Act.

The House bill provided that allocations from title III funds to overseas dependent schools of the Department of Defense will be automatically authorized whenever title III is extended. The Senate amendment deleted authority for participation of such school. The conference report continues the eligibility of these schools for participation, but only for fiscal years ending before July 1, 1972.

The House bill extended authority for appropriating funds for State administration, advisory council activities and evaluation and dissemination activities under title III until the end of fiscal year 1972. The Senate amendment made this authorization permanent. The House recedes.

The Senate amendment, but not the House bill, extended the Commissioner's authority to approve a portion of a State plan deemed in compliance and to fund such portion of a State plan. The House bill contained no comparable provision. The provision is retained in the conference report.

The Senate amendment continued the Commissioner's authority to reserve 25 percent of the funds appropriated for title III to fund applications of local educational agencies outside of the State plan. The House bill contained no comparable provision. Under the conference report, the Commissioner may reserve 15 percent of the funds appropriated for title III to fund applications outside of the State plan.

Gifted and talented children.—The Senate amendment expanded the list of programs for which title III funds may be used to include programs for gifted and talented children. The House bill contained no comparable provision. The conference substitute retains this provision.

Advisory Committee.—Under the Senate amendment the following new requirements were established for title III State advisory councils: (1) annual certification of the establishment of and membership on the State advisory council; (2) that the council meet within 30 days after certification has been accepted by the Commissioner and select a chairman from its membership; and (3) at least one public meeting be held each year at which time the public be given an opportunity to express their views. There were no comparable House provisions The House recedes.

On March 24, 25, and April 1, 1970, the Senate considered the Conference Report on H.R. 514 (H. Rept. No. 91–937). On April 1, after rejecting a motion to recommit with instructions, the Senate agreed to the Conference Report by a vote of 74 yeas, 4 nays, and 22 not voting. (Congressional Record, v. 116, Pt. 8, pp. 10020–1).

On April 7, the House considered and agreed to the Conference Report by a vote of 312 yeas, 58 nays, and 60 not voting. (Congressional Record, v. 116, Pt. 8, p. 10623).

On April 13, 1970, President Richard Nixon signed the bill H.R. 514 into law as P.L. 91–230.

The text of P.L. 91–230 as it amends Title III, ESEA is as follows:

PART C—AMENDMENTS TO TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (SUPPLEMENTARY EDUCATIONAL SERVICES AND CENTERS)

CONSOLIDATION OF CERTAIN EDUCATION PROGRAMS

SEC. 131. (a)(1) Title III of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE III—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES; GUIDANCE, COUNSELING, AND TESTING

"APPROPRIATIONS AUTHORIZED

"SEC. 301. (a) The Commissioner shall carry out a program for making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs, and to assist the States in establishing and maintaining programs of testing and guidance and counseling.

"(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $550,000,000 for the fiscal year ending June 30, 1971, $575,000,000 for the fiscal year ending June 30, 1972, and $605,000,000 for the fiscal year ending June 30, 1973. In addition, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and each of the succeeding fiscal years, such sums as may be necessary for the administration of State plans, the activities of advisory councils, and the evaluation and dissemination activities required under this title.

"ALLOTMENT AMONG STATES

"SEC. 302. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition for each fiscal year ending prior to July 1, 1972, he shall allot from such amount to (A) the Secretary of the Interior the amount necessary to provide programs and prospects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) From the sums appropriated for making grants under this title for any fiscal year pursuant to section 301(b), the Commissioner shall allot $200,000 to each State and shall allot the remainder of such sums among the States as follows:

"(A) He shall allot to each State an amount which bears the same ratio to 50 percentum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of children in all the States, and

"(B) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the State bears to the population of all the States.

For the purposes of this subsection, the term term "State" does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(b) The number of children aged five to seventeen, inclusive, and the total population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount allotted to any State under subsection (a) for any fiscal year, which the Commissioner determines will not be required for the period for which that amount is available, shall be available for grants pursuant to section 306 in such State, and if not so needed may be reallotted or used for grants pursuant to section 306 in other States. Funds available for reallotment may be reallotted from time to time, on such dates during that period as the Commissioner may fix, among other States in proportion to the amounts originally allotted among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the exent it exceeds the sum the Commissioner estimates that State needs and will be able to use for that period: and the total of these reductions may be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection from funds appropriated pursuant to section 301 for any fiscal year shall be deemed to be a part of the amount allotted to it under subsection (a) for that year.

"(d) The amounts made available under the first sentence of subsection (c) for any fiscal year shall remain available for grants during the next succeeding fiscal year.

"USES OF FEDERAL FUNDS

"SEC. 303. (a) It is the purpose of this title to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs formerly authorized by this title and title V–A of the National Defense Education Act of 1958, and except as expressly modified by this title, Federal funds may be used for the same purposes and the funding of the same types of programs previously authorized by those titles.

"(b) Funds appropriated pursuant to section 301 shall be available only for grants in accordance with applications approved pursuant to this title for—

"(1) planning for and taking other steps leading to the development of programs or projects designed to provide supplementary educational activities and services described in paragraphs (2) and (3), including pilot projects designed to test the effectiveness of plans so developed;

"(2) the establishment or expansion of exemplary and innovative educational programs (including dual-enrollment programs and the lease or construction of necessary facilities) for the purpose of stimulating the adoption of new educational programs (including those described in section 503(4) and special programs for handicapped children) in the schools of the State; and

"(3) the establishment, maintenance, operation, and expansion of programs or projects, including the lease or construction of necessary facilities and the acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing, especially through new and improved approaches, supplementary educational services and activities, such as—

"(A) remedial instruction, and school health, physical education, recreation, psychological, social work, and other services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

"(B) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;

"(C) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages, and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

"(D) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis for the benefit of children in public and other nonprofit schools, organizations, and institutions;

"(E) developing, producing, and transmitting radio and television programs for classroom and other educational use;

"(F) in the case of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs (including preschool education), because some or all of its schools are seriously overcrowded, obsolete, or unsafe, initiating and carrying out programs or projects designed to meet those needs, particularly those which will result in more effective use of existing facilities;

"(G) providing special education and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities including, where appropriate, the provision of nobile educational services and equipment, special home study courses, raido, television, and related forms of instruction, bilingual education methods and visiting teachers' programs.

"(H) encouraging community involvement in educational programs;

"(I) providing programs for gifted and talented children; and

"(J) other specially designed educational programs or projects which meet the purposes of this title; and

"(4) programs for testing students in the public and private elementary and secondary schools and in junior colleges and technical institutes in the State, and programs designed to improve guidance and counseling services at the appropriate levels in such schools.

"(c) In addition to the uses specified in subsection (b), funds appropriated for carrying out this title may be used for—

"(1) proper and efficient administration of State plans;

"(2) obtaining technical, professional, and clerical assistance and the services of experts and consultants to assist the advisory councils authorized by this title in carrying out their responsibilities; and

"(3) evaluation of plans, programs, and projects, and dissemination of the results thereof.

"APPLICATION FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 304. (a) A grant under this title pursuant to an approved State plan or by the Commissioner for a supplementary educational center or service program or project may be made only to a local educational agency or agencies, and then only if there is satisfactory assurance that, in the planning of that program or project there has been, and in the establishment and carrying out thereof there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served. The term 'cultural and educational resources' includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources. Such grants may be made only upon application to the appropriate State educational agency or to the Commissioner, as the case may be, at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes set forth in section 303(b) and provide for such methods of administration as are necessary for the proper and efficient operation of the programs;

"(3) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 303(b), and in no case supplant such funds;

"(4) provide, in the case of an application for assistance under this title which includes a project for the construction of necessary facilities, satisfactory assurance that—

"(A) reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities,

"(B) upon completion of the construction, title to the facilities will be in a State or local educational agency, and

"(C) in developing plans for such facilities (i) due consideration will be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and (ii) there will be compliance with such standards as the Secretary may prescribe or approve in order to insure that, to the extent appropriate in view of the uses to be made of the facilities, such facilities are accessible to and usable by handicapped persons;

"(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(6) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources and will substantially increase the educational opportunities in the area to be be served by the applicant, and

"(B) to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type provided by the program and project, makes provision for the participation of such children; and

"(3) has been reviewed by a panel of experts.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"STATE PLANS

"SEC. 305. (a)(1) Any State desiring to receive payments for any fiscal year to carry out a State plan under this title shall (A) establish within its State educational agency a State advisory council (hereinafter referred to as the State advisory council) which meets the requirements of this subsection, (B) set dates before which local educational agenices must have submitted applications for grants to the State educational agency, and (C) submit to the Commissioner, through its State educational agency, a State plan at such time and in such detail as the Commissioner may deem necessary. The Commissioner may, by regulation, set uniform dates for the submission of State plans and applications.

"(2) The State advisory council, established pursuant to paragraph (1), shall—

"(A) be appointed by the State educational agency, and be broadly representative of the cultural and educational resources of the State (as defined in section 304(a)) and of the public, including persons representative of—

"(i) elementary and secondary schools,

"(ii) institutions of higher education, and

"(iii) areas of professional competence in dealing with children needing special education because of physical or mental handicaps;

"(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, the State plan, including the development of criteria for approval of applications under such State plan;

"(C) review, and make recommendations to the State educational agency on the action to be taken with respect to each application for a grant under the State plan;

"(D) evaluate programs and projects assisted under this title; and

"(E) prepare and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner and to the National Advisory Council, established pursuant to this title, at such times, in such form, and in such detail, as the Secretary may prescribe.

"(3) Not less than ninety days prior to the beginning of any fiscal year in which a State desires to receive a grant under this title, such State shall certify the establishment of, and membership of, its State advisory council to the Commissioner.

"(4) Each State advisory council shall meet within thirty days after certerification has been accepted by the Commissioner and select from its membership a chairman. The time, place, and manner of meeting shall be as provided by such council, except that such council shall have not less than one public meeting each year at which the public is given opportunity to express views concerning the administration and operation of this title.

"(5) State advisory councils shall be authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

"(b) The Commissioner shall approve a Sate plan, or modification thereof, if he determines that the plan submitted for that fiscal year—

"(1)(A) except in the case of funds available for the purpose described in paragraph (4) of section 303(b), sets forth a program (including educational needs, and then basis, and the manner in which the funds paid to the State under this title shall be used in meeting such educational needs) under which funds paid to the State under section 307(a) will be expended solely for the improvement of education in the State through grants to local educational agencies for programs or projects in accordance with sections 303 and 304: *Provided*, That, in the case of a State educational agency that also is a local educational agency, its approval of a program or project to be carried out by it in the latter capacity shall, for the purposes of this title, be deemed an award of a grant by it upon application of a local educational agency if the State plan contains, in addition to the provisions otherwise required by this section, provisions and assurances (applicable to such programs or project) that are fully equivalent to those otherwise required of a local educational agency;

"(B) in the case of funds available for the purpose described in paragraph (4) of section 303(b), sets forth—

"(i) a program for testing students in the public elementary and secondary school of such State or in the public junior colleges and technical institutes of such State and, if authorized by law, in other elementary and secondary schools and in other junior colleges and technical institutes in such State, to identify students with outstanding aptitudes and ability, and the means of testing which will be utilized in carrying on such program; and

"(ii) a program of guidance and counseling at the appropriate levels in the public elementary and secondary schools or public junior colleges and technical institutes of such State: (A) to advise students of courses of study best suited to their ability, aptitudes and skills, (B) to advise students in their decisions as to the type of educational program they should pursue, the vocation they train for and enter, and the job opportunities in the various fields, and (C) to encourage students with outstanding aptitudes and ability to complete their secondary school education, take the necessary courses for admission to institutions of higher education, and enter such institutions and such programs may include, at the discretion of such State agency, short-term sessions for persons engaged in guidance and counseling in elementary and secondary schools, junior colleges and technical institutes in such State;

"(2) sets forth the administrative organization and procedures, including the qualifications for personnel having responsibilities in the administration of the plan in such detail as the Commissioner may prescribe by regulation;

"(3) sets forth criteria for achieving an equitable distribution of assistance under this title, which criteria shall be based on consideration of (A) the size and population of the State, (B) the geographic distribution and density of the population within the State, and (C) the relative need for persons in different geographic areas and in different population groups within the State for the kinds of services and activities described in section 303, and the financial ability of the local educational agencies serving such persons to provide such services and activties;

"(4) provides for giving special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four- and five-year-olds and including where appropriate bi-lingual education, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, or unsafe;

"(5) provides that, in approving applications for grants for programs or projects, applications proposing to carry out programs or projects planned under this title will receive special consideration;

"(6) provides for adoption of effective procedures (A) for the evaluation, at least annually, of the effectiveness of the programs and projects, by the State advisory council, supported under the State plan in meeting the purposes of this title, (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (C) for adopting, where appropriate, promising educational practices developed through such programs or projects;

"(7) provides that not less than 50 per centum of the amount which such State receives to carry out the plan in such fiscal year shall be used for purposes of paragraphs (1) and (2) of section 303(b);

"(8) provides that not less than 15 per centum of the amount which such State receives to carry out the plan in such fiscal year shall be used for special programs or projects for the education of handicapped children;

"(9) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, and (B) will be so used to supplement and, to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner, by regulation) that would, in the absence of such Federal funds, be made by the applicant for educational purposes;

"(10) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Fderal funds paid to the State under this title;

"(11) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the areas served by the programs or project supported under the State plan and in the State as a whole, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (6), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(12) provides that final action with respect to any application (or amendment thereof) regarding the proposed final disposition thereof shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing; and

"(13) contains satisfactory assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

"(c) The Commissioner may, if he finds that a State plan for any fiscal year ending prior to July 1, 1973, is in substantial compliance with the requirements set forth in subsection (b), approve that part of the plan which is in compliance with such requirements and make available (pursuant to section 307) to that State that part of the State's allotment which he determines to be necessary to carry out that part of the plan so approved. The remainder of the amount which such State is eligible to receive under this section may be made available to such State only if the unapproved portion of that State plan has been so modified as to bring the plan into compliance with such requirements: *Provided*, That the amount made available to a State pursuant to this subsection shall not be less than 50 per centum of the maximum amount which the State is eligible to receive under this section.

"(d) A state which has had a State plan approved for any fiscal year may receive for the purpose of carrying out such plan an amount not in excess of 85 per centum of its allotment pursuant to section 302.

"(e) (1) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearings to any State educational agency, finds that there has been a failure to comply substantially with any requirements set forth in the plan of that State approved under section 305 or with any requirement set forth in the application of a local educational agency approved pursuant to section 304, the Commissioner shall notify the agency that further payments will not be made to the State under this title (or, in his discretion, that the State educational agency shall not make further payments under this title to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this title, or payments by the State educational agency under this title shall be limited to local educational agencies not affected by the failure, as the case may be.

"(3) (A) If any State is dissatisfied with the Commissioner's final action with respct to the approval of a plan submitted under subsection (a) or with his final action under paragraph (2), such State may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner hereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(B) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings.

"(C) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certioari or certification as provided in section 1254 of title 28, United States Code.

"(f)(1) If any local educational agency is dissatisfied with the final action of the State educational agency with respect to approval of an application of such local agency for a grant pursuant to this title, such local agency may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State educational agency. The State educational agency thereupon shall file in the court the record of the proceedings on which the State educational agency based its action as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the State educational agency, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the State educational agency to take further evidence, and the State educational agency may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the State educational agency or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SPECIAL PROGRAMS AND PROJECTS

"SEC. 306. (a) From the amount allotted to any State pursuant to section 302 which is not available to that State under a State plan approved pursuant to section 305, the Commissioner is authorized, subject to the provisions of section 304, to make grants to local educational agencies in such State for programs or projects which meet the purposes of section 303 and which, in the case of a local educational agency in a State which has a State plan approved, hold promise of making a substantial contribution to the solution of critical educational problems common to all or several States. The Commissioner may not approve an application under this section unless the application has been submitted to the appropriate State educational agency for comment and recommendation with respect to the action to be taken by the Commissioner regarding the disposition of the application.

"(b) Not less than 15 per centum of the funds granted pursuant to this section in any fiscal year shall be used for programs or projects designed to meet the special educational needs of handicapped children.

"PAYMENTS

"SEC. 307. (a) From the allotment to each State pursuant to section 302, for any fiscal year, the Commissioner shall pay to each State, which has had a plan approved pursuant to section 305 for that fiscal year the amount necessary to carry out its State plan as approved.

"(b) The Commissioner is authorized to pay to each State amounts necessary for the activities described in section 303(c), during any fiscal year, except that (1) the total of such payments shall not be in excess of an amount equal to 7½ per centum of its allotment for that fiscal year or, $150,000 ($50,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, and (2) in such payment, the amount paid for the administration of the State plan for any fiscal year shall not exceed an amount equal to 5 per centum of its allotment for that fiscal year of $100,000 ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

"(c) The Commissioner shall pay to each applicant which has an application approved pursuant to section 306 the amount necessary to carry out the program or project pursuant to such application.

"(d) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(e) No payments shall be made under this title to any local educational agency or to any State unless the Commissioner finds, in the case of a local educational agency, that the combined fiscal effort of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year or, in the case of a State, that the fiscal effort of that State for State aid (as defined by regulations with respect to the provision of free public education in that State for the preceding fiscal year was not less than such fiscal effort for State aid for the second preceding fiscal year.

"(f)(1) In any State which has a State plan approved under section 305(c) and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in programs authorized by this title by children enrolled in any one or more private elementary or secondary schools of such State in the area or areas served by such programs, the Commissioner shall arrange for the provision, on an equitable basis, of such programs and shall pay the costs thereof for any fiscal year out of that State's allotment. The Commissioner may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

"(2) In determining the amount to be withheld from any State's allotment for the provision of such programs, the Commissioner shall take into account the number of children and teachers in the area or areas served by such programs who are excluded from participation therein and who, except for such exclusion, might reasonably have been expected to participate.

"RECOVERY OF PAYMENTS

"SEC. 308. If within twenty years after completion of any construction for which Federal funds have been paid under this title—

"(a) the owner of the facility shall cease to be a State or local educational agency, or

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so.

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"NATIONAL ADVISORY COUNCIL

"SEC. 309. (a) The President shall appoint a National Advisory Council on Supplementary Centers and Services which shall—

"(1) review the administration of, general regulations for, and operation of this title, including its effectiveness in meeting the purposes set forth in section 303;

"(2) review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to section 305(a)(2)(E);

"(3) evaluate programs and projects carried out under this title and disseminate the results thereof; and

"(4) make recommendations for the improvement of this title, and its administration and operation.

"(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of twelve members, a majority of whom shall be broadly representative of the educational and cultural resources of the United States including at least one person who has professional competence in the area of education of handicapped children. Such members shall be appointed for terms of 3 years except that (1) in the case of the initial members, four shall be appointed for terms of 1 year and four shall be appointed for terms of 2 years each, and (2) appointments to fill the unexpired portion of any terms shall be for such portion only. When requested by the President, the Secretary of Health, Education, and Welfare shall engage such technical and professional assistance as may be required to carry out the functions of the Council, and shall make available to the Council such secretarial, clerical and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out its functions.

"(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President and the Congress not later than January 20 of each year. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report."

(b) In the case of any fiscal year ending prior to July 1, 1973, each State submitting a State plan under title III of the Elementary and Secondary Education Act of 1965 shall assure the Commissioner of Education that it will expend for the purpose described in paragraph (4) of section 303(b) of such title III an amount at least equal to *50 per centum of* the amount expended by that State for the purposes of title V–A of the National Defense Education Act of 1968 from funds appropriated pursuant to such title V–A for the fiscal year ending June 30, 1970.

(c) Any appropriation for the purposes of title V of the National Defense Education Act of 1958 for any fiscal year ending after June 30, 1970, shall be deemed to have been appropriated pursuant to section 301 of *Elementary and Secondary Education* Act of 1965.

(*d*) The amendment made by this section shall be effective with respect to fiscal years ending after June 30, 1970.

PART D—AMENDMENTS TO TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (STRENGTHENING STATE DEPARTMENTS OF EDUCATION)

EXTENSION OF TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 141. Section 501(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out, "and" where it appears after "1969," and by striking out all that follows "1968" and inserting in lieu thereof the following: "$80,000,000 each for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, $85,000,000 for the fiscal year ending June 3, 1972, and $90,000,000 for the fiscal year ending June 30, 1973".

PROVISION RELATING TO GIFTED AND TALENTED CHILDREN

SEC. 142. (a) Section 503(11) of the Elementary and Secondary Education Act of 1965 (relating to grants to strengthen State departments of education) is amended by inserting after "handicapped" a comma and the following: "and gifted and talented children".

(b) The amendment made by this section shall be effective upon enactment of this Act.

ADDENDUM—

THE ELEMENTARY AND SECONDARY EDUCATION ACT, TITLE III AS AMENDED BY P.L. 92–318, THE EDUCATION AMENDMENTS OF 1972

P.L. 92–318, the Education Amendments of 1972, included a number of minor amendments to the Elementary and Secondary Education Act including two regarding Title III, Supplementary Education Centers and Services; Guidance, Counseling, and Testing. Section 421(b)(1)(B) of P.L. 92–318 amended Section 302(a)(1) of ESEA by extending the latest date funds can be allotted to the Secretary of the Interior for Title III programs in Federal Indian schools from July 1, 1972 to July 1, 1973. In addition, Section 509(a)(2) of P.L. 92–318 amended Section 303(b)(3) of ESEA by adding, on an equal footing with additional academic education, guidance, and instruction in occupational information to the list of programs to be considered for funding under Title III, ESEA.

LEGISLATIVE HISTORY

House Reports.—No. 92–554 accompanying H.R. 7248 (Comm. on Education and Labor) and No. 92–1085 (Comm. of Conference).

Senate Reports.—Nos. 92–346 and 92–604 (Comm. on Labor and Public Welfare and No. 92–798 (Comm. of Conference).

Congressional Records:
  Vol. 117 (1971):
    Aug. 4–6, considered and passed Senate.

Nov. 3, 4, considered and passed House, amended, in lieu of H.R. 7248.
Vol. 118 (1972): Feb. 22–25, 28, 29, Mar. 1, Senate agreed to House amendment with amendments.
Mar. 8, House disagreed to Senate amendment; requested a conference.
May 23, 24, Senate agreed to conference report.
June 8, House agreed to conference report.
Weekly Compilation of Presidential Documents.—Vol. 8, No. 26 (1972); June 23, Presidential statement.

Extent of Participation Under Title III of the Elementary and Secondary Education Act of 1965

(David Osman, Education and Public Welfare Division, August 1, 1972)

ESEA, 1965 ACT

House consideration

On January 12, 1965 Mr. Powell of New York introduced H.R. 2361 and Mr. Perkins of Kentucky introduced H.R. 2362, similar bills "to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools". Hearings on H.R. 2361 and H.R. 2362 were held before the General Subcommittee on Education of the Committee on Education and Labor in January and February 1965.

The House Committee amended H.R. 2362 by striking out all of the bill after the enacting clause and by inserting substitute language. On March 8, the Committee on Education and Labor reported favorably on H.R. 2362. (House Rept. No. 143, 89th Cong. 1st Sess.). This bill was debated in the House on March 24, 25, and 26.

With regards to the extent of participation under Title III, supplementary educational centers and services, the "Minority Views" of the House Report of March 8 contain the specific complaint that ". . . only one of the bill's six titles even mentions deprived children . . ." (p. 66) and again later "aside from passing references in title I to 'educationally deprived children' and the use in that title only of a distribution formula based upon the number of children in low-income families, this bill is not confined to the needs of the educationally deprived. . . . the Federal-local school centers in title III are not limited to the needs of deprived persons, or 'problem' students, but specify 'persons of varying talents and needs'; i.e., everyone". (H. Rept. No. 143, p. 78)

During the floor debate on H.R. 2362 on March 26, Mr. Quie of Minnesota offered an amendment to Title III that would have limited use of Title III funds to school areas having a high concentration of educationally and economically disadvantaged students. In speaking for this amendment, Mr. Quie stated:

Mr. Quie. Mr. Chairman, the purpose of this amendment is to make title III comply with the purposes stated in the bill which now apply only to title I: that the money utilized under title III for supplemental educational centers will be used in the areas where there is a high concentration of educationally and economically deprived children. It seems if there is one purpose at all for this title it would be to assist in those areas which have a problem because they have this high concentration of economically deprived children.

Mr. Findley. Mr. Chairman, will be gentleman yield?

Mr. Quie. I yield to the gentleman.

Mr. Kindley. If I understand correctly, the gentleman's amendment would limit the areas where these centers could be established to those areas with a high concentration of educationally deprived children.

Mr. Quie. That is correct; there is no such limitation in the bill at the present time in title III.

(Congressional Record; v. 111, Pt. 5, p. 6112)

Opposing the Quie amendment Mr. Brademas of Indiana spoke on the intentions and purposes of Title III in H.R. 2362, as reported:

Mr. Brademas. Mr. Chairman, I hope very much that this amendment is defeated. This amendment, if adopted, would destroy the very purpose of title III of this bill.

The other day in my remarks in explanation of this bill I pointed out that the bill had more than one purpose. It is quite true, as the gentleman from Illinois [Mr. Findley] said, that one of the purposes of the bill is to attack the problem of educationally deprived young people. But that is in title I.

I pointed out that another purpose of this bill was to lift the quality of all education in the United States. Title III is directed to that purpose.

Mr. Chairman, title III is directed toward improving the quality of education not only for poor children but for all children in elementary and secondary schools, where appropriate, and even in certain situations for adults.

It would be a great mistake—and this would be the effect of adoption of the amendment offered by the gentleman from Minnesota—if we were to confine and restrict the supplementary centers and services which could be provided under title III to school districts where there is a high concentration of children coming from families of very low income.

It seems to me, therefore, Mr. Chairman, we should seek to encourage the kind of supplementary services to which title III is addressed for the entire community, and not restrict them as the gentleman's amendment would do.

I hope the amendment is overwhelmingly defeated.

(Congressional Record, v. 111, Pt. 5, p. 6113)

The Quie amendment was rejected. (p. 6114)

On March 26, the House passed and sent to the Senate H.R. 2362 without amendment to Title III. The vote on passage was 263 yeas, 153 nays, and 17 not voting. (Congressional Record, v. 111, Pt. 5, p. 6152)

Senate consideration

Mr. Morse of Oregon introduced S. 370, a bill "to strengthen and improve educational quality and educational opportunities in the Nation's elementary and secondary schools", on January 12, 1965. Hearings on S. 370 were held before the Subcommittee on Education of the Committee on Labor and Public Welfare in January and February 1965.

On March 30 the Subcommittee on Education laid aside S. 370 in favor of H.R. 2362 as passed by the House. The Committee on Labor and Public Welfare reported out H.R. 2362 without amendment on April 6 (S. Rept. No. 146, 89th Cong., 1st Sess.). The Senate debated H.R. 2362 on April 7, 8, and 9.

Concerning Title III, supplementary educational centers and services, the Senate Report of April 6 explained that "grants under this title are made from State allocations by the Commissioner to local public educational agencies for the purpose of financing supplemental educational centers and services" (S. Rept. No. 146, p. 25). The Report, however, did not specifically address the question of whether the Supplementary Educational Centers and Services should be for everyone or only for the disadvantaged student.

During the Senate debate on H.R. 2362 on April 7, the floor manager, Mr. Morse, first spoke to the issue of the scope of participation under Title III in answer to a question from Mr. Ellender of Louisiana :

Mr. MORSE. I want to make sure that the Senator understands that title III, as is true also in title II, is not a title that is limited to aid to deprived children. That is the title I section of the bill. Title II and title III are titles that can be of assistance when the State finds that this particular need for the expenditure of funds exists anywhere in the State.

Mr. ELLENDER. That is correct. But the centers need not be limited to the school district in which they are located. They could be used for the State as a whole.

Mr. MORSE. No. They must be for the local system.

Mr. ELLENDER. I understand. They must be for the local system, but not the particular school.

Mr. MORSE. That is correct.

Mr. ELLENDER. It might be county-wide or statewide?

Mr. MORSE. Countywide or regional.

Mr. ELLENDER. That money is to be used to construct and operate these facilities?

Mr. MORSE. The Senator is correct.

(Congressional Record, v. 111, Pt. 6, p. 7314.)

On April 8, Mr. Prouty of Vermont offered an amendment to H.R. 2362 which would have changed the allotment formula under Title III. Among his arguments in support of this amendment, Mr. Prouty observed :

Now can it be said that title III of this bill is anything but a general aid provision? When an amendment was offered in the subcommittee to direct this title toward the specific needs of educationally deprived children, that amendment was voted down by the majority on the ground that title III is not and should not be a poverty-related title. Title III is clearly a general aid provision. The majority and the administration admit the feasibility of the amendment I am offering. The only question is whether the Senate wishes to distribute funds strictly according to numbers of people regardless of need. (Congressional Record, v. 111, Pt. 6, pp. 7543–4.)

Mr. Morse opposed the Prouty amendment and began his opposition statement with the following observation:

Mr. MORSE. Mr. President, I rise to oppose the amendment for the major reasons that I set forth yesterday in opposing other proposals to change the formula in other parts of the bill. The bill and formula as currently stated recognize that continuing adult education programs are an integral part of a comprehensive supplemental education program. The proposed amendment to the formula would do more than place emphasis on improving education opportunities of our young people; it would provide for no recognition of the importance of adult education programs. The educational programs being conducted at Flint, Mich., and the program being established at Cleveland, Ohio, provide excellent examples of the supplementary centers and services programs being envisioned under this title. They locate in one place all kinds of educational services for different elements of the population from preschool through continuing adult education. The present formula recognizes the number of persons to be served by the title. Section 304(b)(2) provides for equitable distribution within each State based on such criteria as the relative need of persons in different geographic areas including their financial ability to provide services and activities envisioned under this title.

Since the thrust of this title is toward supporting services at the local level, it is important to provide for the allocation of funds among the States based on all persons to be served rather than the per capita income of the States.

The bill is directed, in title I, to the educationally deprived child; and in title III, to which the formula refers, to the number of people that are to be served.

(Congressional Record, v. 111, Pt. 6, pp. 7544–5.)

The Prouty amendment to Title III was rejected, 38 yeas, 56 nays, and 6 not voting. (Congressional Record, v. 111, Pt. 6, p. 7548)

On April 9, Mr. Dominick of Colorado offered an amendment to concentrate Title III grants in school attendance areas having a high concentration of educationally and economically deprived students. In arguing for this amendment, Mr. Dominick stated:

Mr. DOMINICK. Mr. President, this is the last amendment I shall offer. I want to call to the attention of my colleagues one thing that may not have been made clear to them up to this time in spite of all the debate that has occurred. Title III of the bill as is now written does not apply to educationally deprived children. This is the whole format of the bill. This is where all the emphasis has been.

* * * * * * *

Mr. DOMINICK. Title III does not go to the educationally deprived children. It is not restricted in that way. It takes in programs for everybody—children, adults, men, women, psychology, everything one can think of. Even medical clinics could be set up under this title. We are authorizing the appropriation of $100 million for it. We give almost sole discretion to the Commissioner to establish the criteria for what is to be taught and what programs will be approved under the title. We appropriate $200,000 to each State, and then we apportion the rest of it in accordance with population.

We do not try to pinpoint that the centers are to be in areas in which there is a need because there is educational deprivation. We merely say, "Put them wherever you want, Mr. Commissioner. Whenever a program comes along that a local agency proposes and you think itt is good and it fits in with the State allocation, go ahead."

The purpose of my amendment is once again to try to emphasize this point for this body, as one Senator who has served on the committee and has been interested in the bill, who would like to have the supplementary program put into areas where it is needed.

* * * * * * *

Mr. President, it is not a difficult amendment. It is not hard to understand. It provides that if we are to provide for supplementary centers in each of the various States, we should concentrate those centers where there is a need, where there is a large concentration of educationally and economically deprived children." (Congressional Record, v. 111, Pt. 6, p. 7687)

Rising in opposition to the Dominick amendment, Mr. Morse once again spoke to the issue of participation under Title III:

Mr. MORSE. We must keep in mind that it is title I of the bill that is for deprived children. Titles II and III are not for deprived children alone. The library part of the bill is not for deprived children alone. Title III, providing supplementary educational centers and services, is not for deprived children alone. The supplementary educational and service centers are for the purposes among others of providing remedial reading for the handicapped, the crippled children, the blind, the deaf, the unfortunate youngsters, and those who have other serious handicaps. One of the purposes of this title of the bill is to help those handicapped children.

It also provides for assistance in connection with adult education; that is included in this title III relating to the supplementary educational centers and services.

The Senator from Colorado took the position, both in regard to title II on the libraries, and title III on the supplementary services program, that they should be limited to deprived children.

However, that does not happen to be the objective of these titles of this bill. I am glad that it is not.

I do not believe that we should deny the special educational skills that we seek to develop in title III for dropouts, for post school training, or the benefit of research programs under this and other titles to just the title I beneficiaries. We should make available to all handicapped children the special knowledge that we can bring to bear upon their handicaps. I am not going to take my eyes off the plight of handicapped children. I do not care from what homes they come. We need in title IV to develop model schools which can serve as beacons of excellence to schools all over our States. These should not be restricted, neither should title II or title III programs.

That is the purpose of the bill. (Congressional Record, v. 111, Pt. 6, pp 7687–8)

The Dominick amendment was rejected by a vote of 23 yeas, 66 nays, and 11 not voting. (Congressional Record, v. 111, Pt. 6, p. 7690).

On April 9 the Senate passed H.R. 2362 without amendment by a vote of 73 yeas, 18 nays, and 9 not voting. (Congressional Record, v. 111, Pt. 6, p. 7718). Since there were no differences between the House and Senate passed versions, H.R. 2362 was sent directly to the President's desk for his signature. On April 11, 1965, President Lyndon Johnson signed this bill into law as Public Law 89–10, the Elementary and Secondary Education Act of 1965.

1966 ESEA AMENDMENTS

House Consideration

On March 1, 1966, Mr. Powell of New York introduced H.R. 13160 and Mr. Perkins of Kentucky introduced H.R. 13161, identical bills, "to strengthen and improve programs of assistance for our elementary and secondary schools." The General Education Subcommittee of the Committee on Education and Labor held hearings on the bills during March of 1966. On August 5 the Committee favorably reported H.R. 13161 after striking out all of the bill after the enacting clause and inserting substitute language (H. Rept. No. 1814, 89th Cong., 2nd Sess.). On August 22, the Committee submitted a supplemental report on the bill (H. Rept. No. 1814; Part 2, 89th Cong., 2nd Sess.). The House debated H.R. 13161 on October 5 and 6, 1966.

Concerning the specific issue of the extent of participation under Title III of P.L. 89–10, H.R. 13161, as reported, contained provision for special application consideration for local educational agencies which were financially overburdened. Section 134 of H.R. 13161, as reported, amended Section 304 of P.L. 89–10.

> ". . . by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection: '(c) In approving applications under this title for grants for any fiscal year beginning after June 30, 1967, the Commissioner must give special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four and five year olds, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, racially imbalanced, or unsafe, or because of any other condition that has imposed a substantial and continuing financial burden upon the agency."

In reference to the scope and intention of this amendment, the House Committee Report of August 5 stated:

> Planning alone will not solve the construction problems of many of the Nation's school districts. Many of our local communities are heavily taxed and financially overburdened. During the hearings the committee repeatedly heard of the fiscal problems of school districts in which the statutory millage rate limitation had been reached and to which no further local financial resources were available. In many instances, the communities facing the greatest financial problems are those whose schools are obsolete and overcrowded. Moreover, the assistant superintendent of schools of Pittsburgh, Pa., testified before the committee that the average school building is not designed for many of the recently developed innovative programs. Children attending such schools must of necessity receive an inferior education.
>
> Construction needs of school districts have necessarily been receiving low priority treatment in the administration of title III. As the associate commissioner for elementary and secondary education testified, the advisory committee generally recommended against proposals requiring extensive construction expenditure, preferring to approve projects able to begin quickly "so that the largest number of schoolchildren could benefit as soon as possible from new technologies and special services." While such motivation is commendable, it effectively denies participation to those communities unable to house supplementary educational centers and services without assistance of construction funds.
>
> It is for this reason that the committee proposes an amendment to section 304 of the Elementary and Secorndary Education Act, requiring the Commissioner to give special consideration, beginning in fiscal year 1968, to applications of local educational agencies which are financially overburdened. The amendment provides that any local school district making a reasonable tax effort which is unable to meet critical educational needs because of serious overcrowding, obsolete or unsafe school buildings, racial imbalance, or any other condition imposing a continuing and financial burden shall receive special consideration in title III project approval.
>
> Among the projects which shall receive special consideration are problems, in both the North and the South, arising out of efforts to overcome racial segregation and related conditions. Thus, projects under this title may be used to encourage imaginative approaches, designed by local school districts, to achieve the elimination of racial segregation or the alleviation of problems resulting from racial concentrations of students. These projects could include, for example, the construction of educational parks and other experimental or demonstration facilities under plans insuring desegregated student attendance, the conduct of teacher inservice training programs in community relations, support of curriculum development projects, and the support of joint academic programs by suburban and core-city school district.
>
> The committee hopes that this amendment will be of significant importance in overcoming the difficulties confronting many school districts today. These difficulties have been evident in the applications already submitted for project approval. An analysis of the 991 planning projects submitted during the first 2 project periods shows that 234 of them would have culminated in the need for the construction of a center or other facility to house the program being planned. In addition, the Office of Education estimated that, of the 24,000 independent school districts, two-thirds are financially unable to afford viable programs, centralizing vitally needed services for the education program.
>
> Under the proposed amendment, it is possible that large cities, confronted with problems of obsolete core-city school buildings and de facto segregation, might attempt to utilize title III funds for the establishment of educational parks. The first two rounds of project approval resulted in the funding of planning projects for educational parks in Philadelphia, New York, Pittsburgh, and East Orange, N.J. In addition, proposals are currently before the Office of Education for the planning of educational parks in St. Paul, Chicago, Syracuse, and Cleveland. Denver, Baltimore, and Richmond have expressed interest, and are designing proposals for the development of educational parks. Moreover, it is apparent from data on school facilities in rural areas that many multigrade, one-room schools still exist simply because of a lack of local financial resources to provide consolidated facilities. The educational park concept may well offer exciting possibilities in such areas. If such ideas are to be successful, this planning activity will result in an exceedingly large request for operational and construc-

tion funds. To support these additions, the committee recommends an authorization of $575 million in fiscal year 1968.

(House Rept. No. 1814, pp. 23–24)

During the floor debate on H.R. 13161 in October, Mr. Brademas of Indiana began the discussion regarding the proposed amendments in H.R. 13161 to Title III, P.L. 89–10.

Included in these remarks was specific attention to Section 134:

Mr. **Brademas**:

* * * * * * *

In addition, Mr. Chairman, the committee has recognized that many of our local communities are making valiant educational efforts, but that they are already overtaxed and overburdened. Many of these communities facing the greatest educational problems are the same communities which are least able to meet them because of pressing financial burdens. For this reason the committee proposes to amend the present act to require the Commissioner of Education to give special consideration to meritorious proposals from local educational agencies which are financially overburdened.

This section, Mr. Chairman, provides that the Commissioner will give special consideration to those districts which are making reasonable tax efforts, but which are unable to meet the critical educational needs because of serious overcrowding, obsolete buildings, racial imbalance, or unsafe facilities, or because of any other condition that has imposed a substantial and continuing financial burden on the local agency.

The **Chairman**. The time of the gentleman has expired.

Mr. **Perkins**. I yield an additional 5 minutes to the gentleman.

Mr. **Brademas**. I was referring, Mr. Chairman, to title III of the bill, which provides for some assistance to school districts which are very seriously overburdened in terms of their financial efforts in coping with a number of pressing problems.

Just as with title III programs during the last year, the proposals contemplated by the committee amendment to title III would originate from the local school district. They would be reviewed by the States, which have an opportunity then to make recommendations as under the present procedure—and there is no change whatsoever in the present procedure—and then be subsequently approved by the Office of Education. No school district or community would be required, would be forced, would be compelled, to make a special effort in a particular problem area. The choice with respect to the amendment that I am presently discussing, as with the operation of title III as it is at present, rests with the particular locality. As in the past year, projects will be approved on the basis of merit within the limitation of the allocation for the State.

The Commissioner, however, must give special consideration to projects of high merit which deal with the pressing educational problems which the committee has listed.

The local projects will be reviewed by the State educational agency and final approval for funding will take place in Washington, as at present, from the Office of Education. But I reiterate, Mr. Chairman, the fundamental point that the initiative for proposals will still come from the local school areas. The Office of Education will fund only projects which are initiated, designed and submitted by local school districts.

(Congressional Record, v. 112, Pt. 19, pp. 25528–9)

Following Mr. Brademas' statement, Mr.MacGregor of Minnesota specifically asked whether or not Title III was intended to provide special assistance to impoverished areas—to which Mr. Brademas of Indiana and Mr. William Ford of Michigan both replied:

Mr. **MacGregor**. In speaking of title III the gentleman told us, and I am sure I am quoting him correctly, that the help was designed to go where the shoe pinches.

May I ask the gentleman from Indiana whether under title III it is the intent of the Committee on Education and Labor to give special assistance to disadvantaged or impoverished areas?

Mr. **Brademas**. I would say to the gentleman from Minnesota, if he will examine the formula for the making of grants under title III——

Mr. **MacGregor**. I have done so.

Mr. **Brademas**. He will observe that there is no poverty formula along the lines of the title I formula. It is important, I think, and there is perhaps a good deal of confusion in the public mind on this, that we recall that it is the title I programs which are written on the basis of putting the funds into the school districts where there are large concentrations of low-income families. But the formula does not carry over into title III.

Mr. MacGregor. I think the gentleman for making that distinction and for nailing down the fact that the intent of title III is not necessarily to provide assistance in areas where the need is.

Mr. Brademas. I did not say that, I did say that there is a distinction between the purpose of title I and the purpose of title III and I pointed out that the distinction can be observed by reading the formulas for the allocations of moneys under the two titles. I note in the title III formula there is no reference to the fact that funds must be granted to concentrations of low-income families.

Mr. William D. Ford. Mr. Chairman, will the gentleman yield?

Mr. MacGregor. Mr. Chairman, will the gentleman yield further?

Mr. Brademas. I will yield at this point to the gentleman from Michigan [Mr. William D. Ford] and later yield to the gentleman from Minnesota [Mr. MacGregor].

Mr. William D. Ford. Mr. Chairman, I would like to point out that the langauge of the section that is being questioned at the moment is specifically designed to give school aid on the basis, not of the financial standing of the individual students in the school districts, but on the finanical status of the school district itself. The words are, for example, that "special consideration will be given to the school district that is making a reasonable local tax effort but" "is nevertheless"—nevertheless is the important word here—"unable to meet critical educational needs under this section of the bill."

I might say specifically there are three areas that we are targeting in on: the older parts of some of our cities where the facilities that they have been able to provide, with our overtaxed local ability to support schools, are overcrowded, inadequate, and unsafe; the rapidly growing suburban school district, which despite the Herculean efforts on the part of the States and the local communities to raise taxes, cannot keep pace with the rapid growth; and the rural school districts which, because of the sparsity of the school population and the property tax that it takes to support quality education are in need. These are the three areas, specifically, that this section of the bill would direct the attention of the commissioner toward. I might say that the original purpose of this section is to provide a means of using the resources of our educators across the country and of finding new methods of improving the quality of education.

Mr. MacGregor. Mr. Chairman, will the gentleman yield?

Mr. Brademas. I yield to the gentleman.

Mr. MacGregor. I thank the gentleman from Michigan for the detailed information on the question of the purpose of title III. But I do want the record to show that in my particular suburban district the only title III money which has been disbursed by the Office of Education during the school year of 1965-66 has gone to the wealthiest school districts, and the poorer schoolchildren have not received one dime of money under title III.

I bring this point out even though it may well be that the poorer school districts were tardy in making their application for funds. I do think that the intent of title II as developed by the gentleman from Michigan [Mr. William D. Ford] has not been carried out in the implementation of the program in the suburban Minneapolis areas.

Mr. Brademas. I will say to the gentleman that his remarks are most encouring to me because if he carries through on his philosophy he will be a stronger supporter of the proposed title III amendment which the committee bill contains.

The fact of the matter is that the amendment I have just been discussing, which is addressed to the kinds of needs which the gentleman from Michigan also discussed, is what we hope will be added to the present langauge of the bill. This language is not now in the law.

So if I read the gentleman aright, he wants us to help him do what he wants to help his own school district to do.

(Congressional Record, v. 112, Pt. 19, p. 25529)

Shortly after this exchange, Mr. Carey of New York, in response to a statement of Mr. Fino of New York, began his remarks with an explanation of the intentions of Title III, P.L. 89-10:

Mr. Carey. The worst disservice that could be done to this bill at this juncture would be to misrepresent tilte III for anything but what it is. It is really the "sweetheart title" according to the educational authorities of this country.

It is a title for innovation and for imaginative proposals which must originate in the community with wide consultation and coordination of all the strengths in the community—the arts, the sciences, literary people, public and nonpublic eductaors—the entire community participates.

The one thing that it certainly is not is a "poor child" title. This is the title which addresses itself to educational programs for all children of families of all incomes.

(Congressional Record, v. 112, Pt. 19, p. 25532)

As debate on H.R. 13161 continued, the House approved an amendment to Section 134 by Mr. O'Hara of Michigan to "strike out 'racially imbalanced' and all that follows through the word 'agency' . . . and insert 'or unsafe'."

(Congressional Record, v. 112, Pt. 19, p. 2556).

Later in the debate, Mr. Goodell of New York offered an amendment to strike entirely Section 134, special consideration for financially overburdened local educational agencies, from H.R. 13161. (Congressional Record, v. 112, P. 19, p. 25567). Among his remarks in oppostion to this Goodell amendment, Mr. William Ford of Michigan once again addressed the issue of the intention of Section 134:

Mr. Chairman, we are directing the Commissioner, in the examination of applications for grants under title II, to give special consideration to those applications which come from local educational agencies which meet certain specifications and that he give special attention thereto.

If you read further, the bill says we are asking the Commissioner and directing him, as a matter of fact, that he must give special consideration to applications made by any local educational agency which is making a reasonable tax effort. That means a local educational agency which he finds to have already sought remedies to their problems by taxing their own constitutents, but which is nevertheless unable to meet its critical educational needs, including preschool education.

We have heard Mr. Quie and Mr. Goodell both say that nothing could be holier than preschool education. And we are saying in this section that the kind of application that ought to get priority in a title III application is, first the school district that has tried by local efforts to meet its needs and, second, in spite of that effort is unable to meet its needs, and third, is trying with this application to put a preschool program into effect.

In addition to that, we provide for a special consideration for a school district that is suffering from a lack of facilities, the facilities it has are obsolete and unsafe, and otherwise unsuitable for continued use as a school, and particularly for those school districts where we have overcrowded classrooms.

Now, every one of the purposes of this section have been advocated by both of the gentlemen who have been carrying on the minority side of this debate during the past 2 days.

What Mr. Goodell would do, would be to remove from this bill the principal improvements of the bill that would give special consideration to those districts without regard to the existence of poverty, or the nonexistence of poverty.

* * * * * * *

Mr. **William D. Ford**. Mr. Chairman, I do not choose to yield further to the gentleman at this point if the gentleman's intention is to say that he is in favor of the preschool system only as a part of title I, and tied directly to the poverty children. I think the record should be abundantly clear that title I is not based on the same things as title III. The gentleman has spent all day here, and yesterday trying to expand the preschool program in the povetry areas, and now the gentleman is speaking against a preschool program in a section of the bill that does not depend upon poverty as a condition precedent for eligibility.

(Congressional Record, v. 112, Pt. 19, p. 25568)

The Goodell amendment to strike section 134 of H.R. 13161 was rejected: 23 ayes, 52 noes.

On October 6, 1966, H.R. 13161 passed the House on a roll call vote of 237 yeas, 97 nays, and 98 not voting. As passed by the House, H.R. 13161 Section 134 read as follows:

Sec. Section 304 of such Act is amended by redesigning subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) In approving applications under this title for grants for any fiscal year beginning after June 30, 1967, the Commissioner must give special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four and five year olds, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, or unsafe."

Senate Consideration

On March 7, 1966, Mr. Morse of Oregon introduced S. 3046, a bill "to strengthen and improve programs of assistance for our elementary and secondary schools," similar to H.R. 13161. The Subcommittee on Education of the Committee on Labor and Public Welfare held hearings on S. 3046 and related bills during April 1966. The Committee reported S. 3046 with amendments on October 3, 1966 (S. Rept. No. 1674, 89th Cong., 2nd Sess.). The Senate debated S. 3046 on October 5 and 6, 1966.

Regarding the specific issue of the extent of participation under Title III, P.L. 89–10, S. 3046, as reported, contained a provision for special consideration for financially overburdened local educational agencies. This provision, Section 135 of the Senate bill, was nearly identical in language with Section 135 of H.R. 13161, as reported.

In reference to the scope and intention of Section 135, the Senate Committee Report of October 3 used the same language as the House Committee Report of August 5, except that the Senate Committee recommended an authorization of $250 million for Title III, P.L. 89–10, in fiscal year 1968 rather than the $575 million recomended by the House Committee. (S. Rept. No. 1674, pp. 26–27).

Another similarity between Senate and House action regarding the provision for special consideration for financially overburdened local educational agencies was in regard to language changes on the floor. As in the case of Section 134 of H.R. 13161, Section 135 of S. 3046 was amended on the floor of the Senate. Only instead of striking all the language after the term "obsolete" and substituting "or unsafe" as the House had done, the Senate, through the amendment of Mr. Fannin of Arizona, struck out only the words "racially imbalanced" from Section 135. (Congressional Record, v. 112, Pr. 19, pp. 25489–93)

Among his remarks during the discussion of the Fannin amendment to Section 135, Mr. Kennedy of Massachusetts included the following comments on the purposes of this section:

> Mr. President, the committee amendment to title 304 is simply intended to insure that local school agencies whose districts have unusual financial burdens and who lack the resources to meet their needs can receive help in overcoming these problems from the Federal Government, including the problem of racial imbalance.
>
> The hearings demonstrated that many of our local communities are overburdened, and that in many of the areas where communities are facing the greatest financial problems, their schools are most overcrowded, obsolete, or racially imbalanced.
>
> (Congressional Record, v. 112, Pt. 19, p. 25489.)

On October 6, 1966, the Senate passed S. 3046, as amended, by a vote of 54 yeas, 16 nays, and 30 not voting. (Congressional Record, v. 112, Pt. 19, p. 25499).

As passed by the Senate, S. 3046, Section 135 read as follows:

> SEC. 135. Section 304 of the Elementary and Secondary Education Act of 1965 is further amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:
>
> "(c) In approving applications under this title for grants for any fiscal year beginning after June 30, 1966, the Commissioner must give special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four and five year olds, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, or unsafe, or because of any other condition that has imposed a substantial and continuing financial burden upon the agency.

Conference and final passage

On October 7, 1966, under a unanimous consent agreement requested by Mr. Morse, the Senate considered the bill H.R. 13161 as passed by the House. Mr. Morse moved to strike out all language after the enacting clause in H.R. 13161 and substitute in place the language of S. 3046 as passed by the Senate. The Senate agreed to this motion and the bill H.R. 13161 was passed with the Senate language. Mr. Morse moved that the Senate insist on its amendment and request a conference with the House. The motion was agreed to and conferees were appointed. (Congressional Record, v. 112, Pt. 19, pp. 25836–7)

On October 10, 1966, the House, under a unanimous consent agreement requested by Mr. Powell, disagreed to the Senate amendment to H.R. 13161; (Congressional Record, v. 112, Pt. 19, pp. 25937–8).

Concerning the similar provisions for special consideration for financially overburdened local educational agencies in both the House and Senate versions of H.R. 13161, the conferees adopted the House language.

On October 19, 1966, the Conference Report on H.R. 13161 was considered and agreed to by the Senate. (Congressional Record, v. 112, Pt. 20, p. 27597). On October 20, the House agreed to the Conference Report; 185 yeas, 76 nays, and 171 not voting. (Congressional Record, v. 112, Pt. 21, pp. 28215–6)

On November 3, 1966, President Johnson signed the bill H.R. 13161, into law as Public Law 89–750, the Elementary and Secondary Education Amendments of 1966.

1967 ESEA AMENDMENTS

House consideration

Mr. Perkins of Kentucky introduced H.R. 6230, a bill "to strengthen and improve programs of assistance for elementary and secondary education . . . and for other purposes," on February 28, 1967. The Committee on Education and Labor held hearings on H.R. 6230 during fourteen days in March, 1967. On April 3, Mr. Brademas of Indiana introduced a clean bill in the nature of a substitute for H.R. 6230. On April 11, 1967, the Committee reported H.R. 7819 after striking out all of the bill after the enacting clause and inserting substitute language (H. Rept. No. 188, 90th Cong. 1st Sess.). The House debated H.R. 7819 on May 22, 23, and 24, 1967.

As reported, H.R. 7819 amended Title III of P.L. 89–10 by extending for two years the provisions relating to schools for Indian children and Department of Defense overseas schools. This bill also extended Title III of P.L. 89–10 for four years and authorized appropriations of $500 million each for fiscal year 1968 and 1969. This bill as reported thus contained no new provision affecting the extent or priority of participation under Title III, P.L. 89–10.

During the floor debate on H.R. 7819, as reported, most of the discussion germane to Title III, ESEA concerned the Quie amendments which would have combined Title I, II, III, and V of ESEA under one State plan resulting in a block grant payment to each State (rejected by the House, Congressional Record, v. 113, Pt. 10, p. 13845), and the Green amendment to reconstitute Title III as a program operated by the State departments of education (Agreed to; 230 yeas, 185 nays, 18 not voting. (Congressional Record, v. 113, Pt. 10, p. 13898)

Under the Green amendment, the provisions for special consideration for financially overburdened local educational agencies added to Title III, ESEA by the 1966 amendments were retained under Section 131.

While there appeared to be no clear focus during the debate on the question of whether Title III, ESEA was meant primarily for the disadvantaged, a number of brief remarks did address this issue.

During the debate on the "block grant" amendments of Mr. Quie of Minnesota on May 22, the following exchange highlighted some of the implications of these amendments for Title III programs:

Mr. GOODELL. The gentleman agrees that his amendment requires the highest priority for concentrating the funds for needy children for 100 percent of the money, for all the money that is covered under the Quie amendment.

There has been a lot of talk about 50 percent. You have required at least 50 percent, under the old title I type of formula to help poor children, but the three priorities that the gentleman in the well has just mentioned, apply to all the money covered in the Quie amendment; namely, that it be concentrated in areas of culturaly and economically deprived children and where there has been an immigration, putting a special burden on the school officials and the tax sources there in the rural deprived areas; is that not correct?

Mr. QUIE. That is correct. Every bit of the money will go according to the requirement that priority will be given to the neediest districts. Under the present act there is a scattering of these funds among over 90 percent of the Nation's school districts, including the very wealthiest with beautiful schools, well-financed programs and very few deprived children.

Mr. GOODELL. Titles II and III in the present ESEA do not have any need formula; is that correct?

Mr. QUIE. That is correct.

Mr. GOODELL. Your amendment would place priority on giving aid to the needy children throughout the whole act, with the highest priority for help for the children in the areas of high concentrations of economic and educational deprivation.

Mr. QUIE. The gentleman is absolutely correct.

(Congressional Record, v. 113, Pt. 10, p. 13347)

On May 24, during the debate on the Green amendment to Title III, P.L. 89-10, Mr. Scheuer of New York made reference to the disadvantaged in his remarks opposing this amendment:

Mr. SCHEUER.

* * * * * * *

We had testimony by the yard from representatives of local school districts, both rural and urban, who appeared before our committee begging us not to change the administration of title III—pleading with us not to place a hostile, insensitive agency between them and the resources of the Federal Government.

They felt that the school districts across the face of America were unquestionably capable of finding local answers to local problems and they looked upon the Federal Government as a catalytic agency that could and did give them advice and counsel and resources. They welcomed that kind of help from the States where the States were able, willing, and competent to give it.

But they urged us on repeated occasions not to place some State educational agencies that were hostile to change and insensitive to the needs of disadvantaged children, that were ossified and petrified in outmoded past ways of doing things—not to place these State agencies as bulwarks in the path of progress in the improvement of educational opportunities for our Nation's disadvantaged children.

(Congressional Record, v. 113, Pt. 10, p. 13864)

Later, during the same debate on the Green amendment, Mr. Quie included among his remarks the following statement:

Mr. QUIE. Mr. Chairman, it was interesting to listen to the comments of the gentlewoman from Oregon. They sounded quite familiar to me. I have been making them for the last 3 days, and I am convinced they are right. Even though my amendment was not adopted, I believe the next most important amendment is the amendment the gentlewoman from Oregon [Mrs. Green] has just offered, because title III is the most flagrant use of the Commissioner's authority in directing education within the States. If we are going to set back at all this increase in authority of the U.S. Commissioner of Education and to make certain that the States will be able to assume some control through their State departments of eduaction, it will be necessary to adopt this amendment.

I believe that it is through title II that general aid to education eventually will come. When title III was first enacted 2 years ago, it carried an authorization of $100 million. Now it carries an authorization of $500 million. That is the way it has increased.

Also, it carried the amendments last year which had the effect of providing assistance for the suburbs. I read in section 304(c):

In approving applications under this title for grants for any fiscal year, beginning June 30, 1967, the Commissioner must give special consideration to the application of any local educational agency which is making reasonable tax effort, but which, nevertheless, is unable to meet critical educational needs, including preschool education for 3-, 4-, and 5-year-olds, because some or all of its schools are seriously overcrowded as the result of shifts in enrollments or otherwise obsolete or unsafe.

This was frankly stated last year as the amendment for the suburbs.

(Congressional Record, v. 113, Pt. 10, p. 13865)

On May 24, 1967, H.R. 7819, as amended, passed the House (with the Green amendment to Title III, ESEA), by a vote of 294 yeas, 122 nays, and 17 not voting. (Congressional Record, v. 113, Pt. 10, pp. 13898–9)

Senate Consideration

Mr. Morse of Oregon introduced S. 1125, a bill "to strengthen and improve programs of assistance for elementary and secondary education . . . ." on February 28, 1967. The Subcommittee on Education of the Committee on Labor and Public Welfare held two days of hearings on S. 1125 in May and June, 1967 and eleven days of hearings between July and September on S. 1125, H.R. 7819, as passed by the House, and related bills. On November 6, 1967, the Committee favorably reported H.R. 7819 after striking out all language after the enacting clause in the House passed bill and inserting substitute language. (S. Rept. No. 726, 90th Cong., 1st Sess.) The Senate debated H.R. 7819, as reported, on November 30, December 1, 4, 5, 6, 7, 8, and 11, 1967.

As reported by the Senate Committee, H.R. 7819 completely amended Title III, ESEA. As summarized in the Senate Report of November 6, 1967:

"The Committee amendment would amend Title III in its entirety, to provide for—

(1) A change in the administration of the program by establishing a State plan-State grant program;

(2) Appropriate systems of review and evaluation to insure that the intent of Congress is being carried out;

(3) The establishment of State advisory councils to advise the States in the administration of the program and to evaluate programs and projects funded under this title: and

(4) The strengthening of the reconstituted National Advisory Council through provision for additional responsibilities and greater independence." (S. Rept. No. 726)

During the floor debate on H.R. 7819, as reported by the Senate Committee, and the subsequent consideration of floor amendments, the issue of whether Title III, Supplementary Educational Centers and Services, was meant only for disadvantaged school children or for everybody does not appear to have been raised. However, under Section 131 of H.R. 7819, as reported, Title III, ESEA was amended so that at least 15 percent of the funds for any fiscal year were to be used to meet educational needs of handicapped children. In addition, under Section 131, H.R. 7819, as reported, contained the same language regarding special consideration for financially overburdened local educational agencies as the House passed measure.

On December 11, 1969, H.R. 7819, as amended, passed the Senate by a vote of 71 yeas, 7 nays, and 22 not voting. (Congressional Record, v. 113, Pt. 26, pp. 35733–4)

Conference and Final Passage

On December 11, 1967, under a unanimous consent agreement requested by Mr. Perkins, the House disagreed to the Senate amendments to H.R. 7819 and requested a Conference with the Senate. The motion was agreed to and conferees were appointed by the House. (Congressional Record, v. 113, Pt. 26, p. 35842)

On December 12, Mr. Morse moved that the Senate insist upon its amendments to H.R. 7819 and agree to the request of the House for a conference. The motion was agreed to and conferees were appointed by the Senate. (Congressional Record, v. 113, 26, p. 36061)

The Conference Report on H.R. 7819 [H. Rept. No. 1049, 90th Cong., 1st Sess.] contained both the provisions for special consideration for financially overburden local educational agencies as well as the 15 percent provision for the handicapped.

On December 15, 1967, the Senate considered and agreed to the Conference Report on H.R. 7819 by a vote of 63 yeas, 3 nays, and 34 not voting. (Congressional Record, v. 113, Pt. 27, pp. 37037–8)

On December 15, the House considered and agreed to the Conference Report by a vote of 286 yeas, 73 nays, and 74 not voting. (p. 37175)

On January 2, 1968, President Lyndon Johnson signed the bill H.R. 7819 into Law as Public Law 90–247, the Elementary and Secondary Education Amendments of 1967.

1970 ESEA AMENDMENTS

House Consideration

Mr. Perkins of Kentucky introduced H.R. 514, a bill "to extend programs of assistance for elementary and secondary education and for other purposes," on January 3, 1969. The Committee on Education and Labor held hearings on H.R. 514 for a total of twenty-one days between January and March, 1969. On March 24, 1969, the Committee favorably reported H.R. 514 after striking out all after the enacting clause and inserting in place substitute language (H. Rept. No. 91–114, 91st Cong., 1st. Sess.). The House debated H.R. 514 on April 21, 22, and 23, 1969.

Title III of H.R. 514, as reported, extended Title III, ESEA for five years and amended this title to provide that the authorizations for Indian children in Bureau of Indian Affairs schools and children in Department of Defense Overseas Schools be coterminous with the regular Title III authorization. In addition, H.R. 514, as reported, included an amendment to assure participation by all eligible students in Title III, ESEA. Concerning this amendment the Committee Report of March 24 stated:

"The amendment provides that if there is a substantial failure to provide for effective participation on an equitable basis in supplemental education centers and services programs by children and teachers in the schools in the area to be served by the program, the Commissioner is given authority to arrange for the provision of an equitable basis of such programs paying the cost of such out of the State's title III allotment. A comparable provision has been in operation since 1965 with respect to the library resources textbooks and other instructional materials program authorized by title II. (H. Rept. No. 114, p. 13)."

Concerning the extent of participation under Title III, supplementary educational centers and services, under ESEA, H.R. 514, as reported, contained provisions under Section 302 to assure participation by all eligible students in the Title III, ESEA programs. As the House Report of March 24, 1969 summarized:

Section 302. Provision to assure participation by all eligible students.—

> This section provides that in a State in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in programs authorized by this part by children and teachers in any one or more elementary or secondary schools of the State in the area or areas served by the programs, the Commissioner is directed to arrange for the provisions on an equitable basis of such programs and to pay the cost thereof out of the State's allotment. In determining the amount to be withheld from any State's allotment under this section, the Commissioner will take into account the number of children and teachers in the area or areas to be served by the programs who are excluded from participation therein and who, except for such exclusion, might have been expected to participate. (H. Rept. No. 114, pp. 18–19).

During the House floor debate on H.R. 514, as reported, the proposed amendment under section 302 was not an issue for major discussion. Most of the discussion regarding amendments to Title III, ESEA occurred on April 23 during the debate on the amendment of Mrs. Green of Oregon to provide substitute language for H.R. 514, including a new title to consolidate Titles III (a) and V (a) of NDEA with Titles II and III of ESEA. (Congressional Record, v. 115, Pt. 8, pp. 10053–98).

After the debate, this Green substitute amendment was agreed to by a vote of 235 yeas, 184 nays, and 13 not voting. (p. 10098). Since the Green amendment contained the same language under Section 302 as H.R. 514, as reported, H.R. 514, as passed by the House with the Green amendment thus contained the provisions to assure participation of all eligible students under Title III, ESEA.

During the three days of House debate on H.R. 514, there appeared to be no general discussion on the question of whether Title III, ESEA, was a grant program open to any school district or only those with concentrations of educationally disadvantaged youth.

On April 23, 1969, after a motion to recommit was rejected, H.R. 514, as amended passed the House with the Green amendment to Title III, ESEA, by a vote of 400 yeas, 17 nays, 1 present, and 14 not voting. (Congressional Record, v. 115, Pt. 8, pp. 10098–9)

Senate Consideration

Mr. Pell of Rhode Island introduced S. 2218, a bill "to amend the Elementary and Secondary Education Act of 1965 and related acts, and for other purposes," on May 20, 1969. The Subcommittee on Education of the Committee on Labor and Public Welfare held hearings on S. 2218 and H.R. 514, as passed by the House, during twelve days in June and July 1969. On January 21, 1970 the Committee favorably reported H.R. 514 after striking out all language after the enacting clause in the House passed bill and inserting substitute language. (S. Rept. No. 91-634, 91st Cong., 1st Sess.). The Senate debated H.R. 514, as reported, on February 4, 5, 6, 9, 10, 16, 17, 18, and 19, 1970.

As reported by the Senate Committee, H.R. 514 under Title I, Part C contained the following amendments to Title III, ESEA:

> Part C of title I contains amendments to title III of the Elementary and Secondary Education Act of 1965 (supplementary educational services and centers).
>
> Section 131 extends all expiring provisions of title III of the Elementary and Secondary Education Act through fiscal year 1974 with the exception of

> provisions relating to payments to the Secretary of the Interior and the Secretary of Defense which are identical to those in Part B of title I, as described above.
>
> Section 132 contains an amendment to provide for title III programs for gifted and talented children.
>
> Section 133 contains amendments to conform provisions of title III relating to State advisory councils and approval of State plans with similar provisions in other laws.
>
> Section 134 contains an amendment to title III to insure opportunity for participation in title III projects by children in private elementary and secondary schools.
>
> (S. Rept. No. 91–634, p. 2).

Later in the Senate Report, the general effectiveness of the Title III, ESEA program was cited including references to the disadvantaged:

Title III programs have proved their effectiveness in improving reading skills and achievement of elementary pupils in many school districts throughout the Nation. Parental and community involvement, in-service education of teachers, and training of teacher aides have been a few of the successful features of title III programs for the disadvatagсed, the handicapped, the potential dropout, and the talented and gifted children from the preschool to the high school levels.

Because title III is a program which is intended to demonstrate worthwhile educational practices for the benefit of any school system which wishes to adopt or adapt a concept demonstrated by a title III project, a new idea can constantly spread as the success of a given project becomes known in adjacent districts and regions. Since title III projects must supplement the ongoing school program, it has been able to break the traditional mold of outdated school programs by testing the values of computer-assisted instruction psychological and health services, individualized curricula, work-study experiencies, independent study opportunities, and out-of-school earning activities.

(S. Rept. No. 91–634, p. 27).

During the nine days of floor debate on H.R. 514, as reported, there appears to have been no discussion focusing on whether Title III, ESEA was intended for everyone or only educationally disadvantaged students, nor was there discussion of the provision to assure participation of all eligible students under Title III.

On February 19, 1970, H.R. 514, as amended, passed the Senate by a vote of 80 yeas, 0 nays, and 20 not voting. (Congressional Record, v. 116, Pt. 3, p. 4170)

Conference and final passage

On March 9, 1970, under a unanimous consent agreement requested by Mr. Perkins, the House disagreed to the Senate amendments to H.R. 514; requested a conference with the Senate, and appointed conferees. (Congressional Record, v. 116, Pt. 5, p. 6396).

On March 9, Mr. Mansfield moved that the Senate insist on its amendments to H.R. 514, and agree to the request of the House for a conference. The motion was agreed to and conferees were appointed. (Congressional Record, v. 116, Pt. 5, p. 6463).

On March 23, 24, and April 1, 1970, the Senate considered the Conference Report on H.R. 514 (H. Rept. No. 91–937). On April 1, after rejecting a motion to recommit with instructions, the Senate agreed to the Conference Report by a vote of 74 yeas, 4 nays, and 22 not voting. (Congressional Record, v. 116, Pt. 8, pp. 10020–1).

On April 7, the House considered and agreed to the Conference Report by a vote of 312 yeas, 58 nays, and 60 not voting. (Congressional Record, v. 116, Pt. 8, p. 10623).

On April 13, 1970, Presidient Richard Nixon signed the bill H.R. 514 into law as P.L. 91–230.

The text of P.L. 91–230 as it amends Title III, ESEA to assure participation by all eligible students is as follows:

Sec. 131(a)(1)

* * * * * * *

"Sec. 307

* * * * * * *

"(f)(1) In any State which has a State plan approved under section 305(c) and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in programs authorized by this title by children enrolled in any one or more private elementary or secondary schools of such State in the area or areas served by such programs, the Commissioner shall arrange for the provision, on an equitable basis, of such programs and shall pay the costs thereof for any fiscal year out of that State's allotment. The Commissioner may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

"(2) In determining the amount to be withheld from any State's allotment for the provision of such programs, the Commissioner shall take into account the number of children and teachers in the area or areas served by such programs who are excluded from participation therein and who, except for such exclusion, might reasonably have been expected to participate.

Chairman **PERKINS**. The committee will recess until 9:30 tomorrow.

(Whereupon, at 1:30 p.m. the committee recessed to reconvene at 9:30, Wednesday, September 27, 1972.)

OVERSIGHT HEARINGS ON ELEMENTARY AND SECONDARY EDUCATION ACT

WEDNESDAY, SEPTEMBER 27, 1972

U.S. House of Representatives,
Committee on Education and Labor,
Washington, D.C.

The committee met at 9:30 a.m., pursuant to adjournment, in room 2175, Rayburn House Office Building, the Honorable Carl D. Perkins, chairman of the committee, presiding.

Present: Representatives Perkins, Quie, Kemp, and Carlson.

Staff members present: Cindy Banzer, Minority Legislative Associate.

Chairman **Perkins**. A quorum is present for the purpose of taking testimony.

STATEMENTS OF DR. WILLIAM LUCAS, ASSISTANT SUPERINTENDENT FOR GOVERNMENT AFFAIRS, LOS ANGELES CITY SCHOOLS; DR. GEORGE McMULLEN, BUDGET DIRECTOR, LOS ANGELES CITY SCHOOLS; DR. JOHN POSA, LOS ANGELES CITY SCHOOLS; AND DR. BILL ANTON, DIRECTOR, TITLE I, LOS ANGELES CITY SCHOOLS

Dr. **Lucas**. Mr. Chairman, I am William Lucas, assistant superintendent for government affairs, Los Angeles City School District.

I appreciate the opportunity to bring before the committee those members of our district staff who are closely involved with title I of the Elementary and Secondary Education Act.

First on behalf of Dr. William Johnston, our superintendent of schools, and members of our board of education, I would like to commend those members of the committee again for the times they have visited our district in order to solicit from teachers and administrators their thoughts regarding compensatory education and those programs designed to meet the needs of low income, disadvantaged youth in our schools.

Our district is indeed fortunate in that two most distinguished members of the committee who have long championed the cause of disadvantaged youth in urban settings, represent large districts within our school district. Of course I refer to Congressman Hawkins and Congressman Bell.

There are 625 schools in Los Angeles Unified School District. Nineteen percent of these are involved in title I programs; 102,000 pupils attend these schools.

The district also administers title I programs in nonpublic schools with over 3,600 pupils participating. Indeed, the program is large and complex.

In order to give the committee an overview of the program we would like to use the following format:

First, Mr. William Anton, director of our title I program, will discuss with you the nature of the program and its effectiveness.

At the conclusion of Mr. Anton's presentation, Mr. George McMullen, budget director for the Los Angeles Unified School District, will share with you some ideas regarding funding.

Mr. John Posa, to my left, assigned to measure and evaluate the title I program, will answer any questions regarding the techniques employed in assessing the effectiveness of the program.

Mr. Anton?

Dr. ANTON. Thank you, Dr. Lucas.

Mr. Chairman, members of the committee, I am Bill Anton, title I director for the Los Angeles Unified School District. I have been in this position since December 1970.

My remarks will cover essentially two broad areas: How the title I program is going and input from the field as to how to amend current legislation.

Let me begin with a brief description of the Los Angeles title I project. The program has expanded through the years until it now serves approximately 102,000 pupils in 106 elementary schools: 15 junior high schools; 2 senior high schools; 3 schools for the physically handicapped: and 48 nonpublic schools.

We also have State funding and local district funding.

The Federal funds for the year 1972–73 from title I are $29 million. We are utilizing the carryover provision of the Tydings amendment, utilizing for 1971–72, $3.7 million in this program. Teacher employment, $2,756,390.

Our own district realizing the necessity for compensatory education has allocated $3.8 million to our title I schools so our compensatory education program with the combination of funding runs $40 million.

There is great need for additional funding however since we have 197 elementary schools eligible but, again, we are serving only 106. We have identified 223,880 eligible pupils but are only serving 101,830.

Let me proceed with my presentation on how the program is going. The items I present are not in any order of importance because they are all vital. They all exclusively deal with the title I program.

We have noticed great positive attitudinal changes in students, teachers, and parents. Student attendance has improved, interest in school has increased, vandalism has decreased, and the pupils generally feel better about being in school. Parents have become very involved in the educational process. Advisory councils work closely with school staffs in planning the program at the local level in meeting the special needs of their children in their school. As a result of this title I success, the school district has mandated parent councils at each school. Teachers have higher morale in the title I program since they are now actively involved in the development and implementation of programs as they see need in their particular schools. And also for the first time they have had resources to implement. some of their ideas.

The best example of the teacher morale is the expectation level that our teachers have for the young children of our title I program as it has increased. As we all know academic achievement is a key factor in pupil success.

For many years we in education have thought and wondered and dreamed about the things we could do to improve education and to change it, but because of the shortage of funds at local levels through the years these have only been dreams. With the implementation of the title I program and the influx of Federal dollars, we have been able to modify the instructional patterns that have not worked through the years and we have been able to experiment with new approaches. The main one in California, as we are moving very rapidly, is the individualization of instruction. One of the successes of these seeding effects has been the widespread use of paraprofessionals: the utilization of parents as educational aides in partnership with the teachers in the classroom processes; again let me mention the Parent Advisory Council that we have formulated; the development of media centers where we pool resources in the school and youngsters go in and out freely, utilizing the media center and instructional laboratories that have been set up; the expanded use of specialized teachers, to meet the needs of the youngsters and also to be the peer leaders, and inservice training at the local school: dissemination of education. For example we, this year, borrowed a fine mathematics program from the present school district and have modified it in our use in Los Angeles.

Another important seeding effect has been the tapping of rich resources in the utilization of minority personnel. The compensatory education program has created an avenue for minority personnel to realize their potentials and also to move upward in the educational hierarchy to leadership roles in the district.

Los Angeles, as you probably know, has been undergoing decentralization. The title I program has been the cutting edge of this process, of decentralization. We have local school program development in each one of the title I schools where the staff, parent advisory committee, the principal, together join forces and plan their local program and we at the central office do nothing more than coordinate and see that guidelines are met. The local school is the one right there with the particular needs of the youngsters and they know best what kind of program to utilize, and so we think that title I has been the cutting edge on decentralization.

Another prime factor is staff development. Title I has given the resources necessary for the utilization of fantastic professional growth for staffs, and also we have used parents as inservice leaders in the training of our teachers and parent leaders as to what the needs of the disadvantaged youngsters might be.

Another successful program is our prekindergarten classes. This has been one of our most successful programs in the Los Angeles City school district.

The development of bilingual, bicultural programs has received great emphasis under title I of the ESEA Act. The bilingual, bicultural approach has served greatly by utilizing instruction in their home language and, therefore, eliminating the failure feeling and establishing a nice bridge between their home language and the English language, utilized primarily in the schools.

Again, let me emphasize the parent awareness concept that has been developed under title I. By participation in the process, parents have become better citizens, they realize their role in the society, and they are becoming participants rather than passive recipients of our democratic way of life.

In the evaluation process in title I, we might, in Los Angeles, consider two phases:

One, in the early years of title I up through 1969, where we had the program, it was spread fairly thinly. We had mixed outcomes from the great variety of independent components.

Beginning in 1969–1970, the second phase, districts and the State department of education, in searching for the best utilization of funds and in looking over the success of programs, found that title I programs, statewide, with the best evaluation results utilized a minimum of $300 of support per child.

The State Department did change the State guidelines and so we have had a concentration of effort phase since 1969. This has led to more positive results. There has been steady progress. It is not as good, in terms of just pure academic achievements, as any of us would like, but we feel confident that this is the way to go and that as we proceed, we have had 3 years of this thrust, all the problems have been ironed out and we expect the academic achievement to be even better than the improvement that we have had.

In our secondary programs, nearly 5,000 pupils have had a consistent trend of increased achievement. The title I secondary students have outscored comparable nontitle I youngsters.

Among the 1,300 nonpublic school pupils, over 60 percent of the participants have obtained the objectives of over 1 month gain per 1 month of instruction in mathematics.

Significant gains have been found in the preschool program and in the English as a second language programs.

We also have under State mandate supportive components, auxiliary services, intergroup relations, parent involvement, and staff development. Evaluation data indicate that counseling, and diagnosis, and referral for health problems have been the main auxiliary services component. The absentee rate has been reduced, as I mentioned earlier, by the utilization of pupil service and attendance officers. In intergroup relations, we have a program in Los Angeles we call PIE, program for intercultural education. This has been, again, one of the most successful programs. In it we utilize pupils from different cultural, ethnic backgrounds, and under the unit approach of study, have an academic unit of study, where they work together throughout the year. We have found that this has tended to reduce the linguistic, social, and racial isolation of students.

Parent involvement has provided many opportunities as I have mentioned, repeatedly. It is one of our key factors in increasing their knowledge of the title I programs and, of course, their role as partners in the education process of their youngsters.

Staff development activities have been diverse in type and frequency.

Much of the success has been obtained by utilizing the peer relationships in terms of leadership components for the service programs.

At the request and with the cooperation of the State department of education, we have established a special research unit, which will be seeking answers for the difficult questions that you and we have consistently asked. For instance, what are the essential elements of a successful program?

Are there differences in performance among comparable schools that use one program or system and schools that use a number of programs and systems in different classrooms with the same grade level?

What are the characteristics of neighboring schools whose census data indicate comparability and whose test scores are significantly different from each other?

With this research group we hope to find answers for these and many other questions.

I could go on and on, but now let me turn to the second thrust of my comments, how to amend current legislation.

I am speaking to you as a field resource person, one who has to take the law, regulations, guidelines, mandates, et cetera, and turn them into a living title I program, with the assistance of my staff.

These proposed changes have been suggested by our staff, principals, and advisory counsels and teachers.

We really don't know if they can be part of legislation, but they do indicate problem areas for us and we feel that you should be aware of them.

In order to be more effective, Los Angeles title I staff suggests these items:

Long-term funding, minimum of 3 years for the title I program. This is vital for planning and implementation. There is too much uncertainty in the year-to-year application and program development. We have found it extremely inefficient and repetitious to go through the process of applying yearly. It is quite a long, lengthy process and there is a lot of involvement in staff, schools, parents, and State department people. We need assurances that the schools can do a better job of long-range planning if they have a specified length of time involved.

Another would be flexibility in the criteria for the selection of target schools. This is a must for districts that have large concentrations of various ethnic groups such as we find in Los Angeles among the low-income families. For example, it is fairly difficult to establish the poverty level condition of Mexican-Americans if aid to families with dependent children is the only source data.

We, in California and Los Angeles, have faced this year the handicap that the census data has not been available to us and this, again, per regulations of the other prime source data has presented problems. We think perhaps flexibility in identification could be worked out.

Another item you might want to consider is full funding for title I programs. Currently we receive approximately 40 percent of the required need.

Chairman Perkins. What percent?

Dr. Anton. About 40 percent. We must seek to meet the needs of every eligible child.

Again, program planning for phasing in or phasing out of schools is a problem. It is too dramatic an educational loss to cut off funds totally as schools are ranked on eligibility on a yearly basis. A 3-year program thrust and full funding would eliminate this problem.

Urban school districts should have an urban factor. Urban school districts certainly have unique problems. We feel that there should be flexibility in the regulations that would cover urban situations as well as the rural situations and, of course, the suburban, because these are three different concentrations that have unique needs.

Again, we hope the saturation concept continues based on the academic needs of pupils in the identified target schools. One of the dangers we face is the danger of resegregating title I youngsters, tracking, labeling, whatever, as we go into the process of desegregation. We have to address ourselves to this because the whole thrust of the title I program is in maximizing pupil achievement in the low-income areas and it could be endangered if we resegregate as we desegregate. So we have to really address ourselves to legislative input as well as the input of school people and parents.

Cultural heritage of the youngsters should certainly be a part of the title I educational process because we all know that how a pupil feels about himself is a key determinant in his seeking achievement. Often we find this acts as a key that can unlock the academic barrier. We can do this without diluting the main objectives, utilizing it as a tool.

You should consider the possibility of Federal funds for school buildings. We believe this should be separate funding from title I, but I think this merits consideration. The school Federal building program could be focused on target schools only as needed. The program could be vastly improved if facilities were built as needed, again to implement the program.

All in all, we think title I has a positive impact on school districts. It has enabled a great deal of leadership to emerge and we think it should continue. We have spoken in a positive manner because the title I program in Los Angeles has made positive, recognizable and effective use of the Federal funds and we again extend an invitation to visit the title I schools in Los Angeles because we know that is where the action is.

Thank you.

Dr. LUCAS. As Mr. Anton has suggested, the district is in support of extension of the program. We feel it is working, we feel, in a temporal sense, that we are out in the middle of the stream. We are going to reach the other side. We are very much concerned about changing horses in the middle of the stream when we study proposed legislation and we see how it might affect our current efforts.

Of course, as new legislation in this area is put forth, we are interested in funding, not only the amounts of dollars appropriated, but the manner and delivery system used in the local district. Because of our guidelines in the State of California where we are guidelined at $300 above current regular program effort, the funding of our program is very complex and it is intertwined with State financing of schools.

In California, our State legislature has been most hesitant to legislate reform measures for the system by which we finance our schools in the State. Serrano and a property tax reform that is on our ballot right now are probably two of the reasons for this hesitancy. For this reason, Mr. McMullen, director of our budget, has assimilated some thoughts in terms of a delivery system that might compensate for some of these problems. Mr. McMullen.

Mr. McMULLEN. Thank you. Good morning. I am George McMullen, budget director, Los Angeles City Schools, since September of 1964. I am honored today that I have the opportunity to share my thoughts with you.

The topic of this meeting seems to be unique, and I am sure the montage of thoughts in your mind is as vivid as in mine as we focus on one aspect of the complexities of educational finance. The flashes of thought that could mingle range through many spectrums: Serrano versus Priest, equal educational opportunity, interstate financing, intrastate financing, intradistrict financing, local control, State control, Federal control, inflation, zero population growth. Diagnosis of this problem has been publicized throughout the length and breadth of the Nation, from the Standard Research Institute report, the McCohen report, report after report of noneducational commissions, task forces, papers inside and outside of educational circles. All have focused on a single conclusion. The future of this Nation lies in its educational institutions, and to insure the success of these institutions will require the expenditure of additional and massive amounts of money.

The Congress and you, gentlemen, particularly have been the leaders in the beginning response to this problem. But from this montage of comingled thoughts, one basic truth emerges. We suffer from what I call hesitation funding. The phenomenon of hesitation funding develops because everyone realizes that methods of financing education in the United States must be drastically changed in order to meet our commitments to the future of the Nation, preparation of our youth for adulthood.

There is hesitation on the part of the local electorate. There is hesitation on the part of the State legislators. There is hesitation on the part of the Federal Government to continue the flow of funds to the educational institutions of this country at a level that doesn't result in a traumatic shock to the educational process.

This shock develops because specific laws terminate, or certain appropriations terminate in law, and it follows that there is no guarantee that the program and/or the funding will continue. The budget planning process requires that programs be dropped, all involved personnel be terminated and/or transferred at the expense of other personnel in other programs. And regularly, 11th-hour decisions update the law, appropriate the funds to continue the programs, and a massive shift in rehiring of personnel takes place at the local level.

While adults may be able to cope with this situation, there is no way to measure the effects of this type of shock on the children in the programs. Hesitation funding, then, produces the characteristic triple bind that most school districts find themselves in today. Startup, stop, startup again. This bind in a silent way is taking its toll and inevitably, if continued, will reduce the quality of education for young people.

We are suggesting 3-year forward funding for educational stabilization. For the past 8 years, I have served as budget director for Los Angeles City Schools. For the past 4 years, because of the financial bind and the laws governing the layoff of personnel, it has been my unpleasant duty to advise the superintendent and staff that notification of personnel in the magnitude of 1,500 to 3,000 employees must be acted upon for termination in order to live within the financial resources available to the district for the next fiscal year.

Cumulatively, this has had but one effect, to destroy morale, to kill incentive, and to still inspiration, the basic ingredients of success in the education of our young people. To strengthen our communities and our Nation, we must stabilize the educational institutions and then strengthen them.

This thought relates more importantly to finance than to any other aspect of the institution at this particular time, for it is the simple truth that funds for education buy only two things: Manpower and materials.

I urge you to begin a stabilization process, begin now the serious commitment to the future, begin now 3-year forward funding of all federally subsidized categorical grants in aid. Begin now 3-year forward funding of title I.

We must make every effort to stabilize finances for education so that any transition to new formulas to finance education in the United States will not leave in its wake the destruction of the education for a generation of youth.

Stabilization of finances will provide a continuum of school district personnel and a sustenance of the learning environment. I am sure Congress is aware, as I am, that title I has never been fully funded. Having identified a national goal and objectives to meet the goal, it seems strange that we don't fully attempt to carry them out.

Here is a simple table showing the number of eligible pupils in Los Angeles, and the number of participants in title I. This table shows two stories. Urban centers, and Los Angeles is no exception, double every 5 years the number of pupils from homes of low socio-economic background, and we are only meeting half of our responsibilities to these young people in terms of the efforts of title I.

We are all answerable to the other half. The California legislature has responded to this national goal by providing funding for two programs, the reduction of the pupil-teacher ratio in the innercity and special reading teachers for pupils of low reading ability.

The Los Angeles Board of Education has responded by funding its own "Innercity Package" of additional teaching positions and instructional material for these youngsters. With all of these complementary efforts, it becomes even more critical that all funding become stable.

Also, it is critical that we all keep uppermost in our mind the fact that if past trends continue, we must expect that demands on these kinds of programs in the great urban centers of this Nation will double in the next 5 years just to maintain our current efforts.

I have attached to this statement a graph which sets forth the allocation of manpower in Los Angeles for title I for several years. This graph tells a story of our efforts to help people through this program. Not only the young people in their educational efforts, but the not so young people who are finding new hope in helping these young people find their way and learn.

The direct involvement of great numbers is beginning its payoff to the future, and once gained by the child is never lost. I urge this committee to give special thought to the problem of hesitation funding and the stabilization of funding, especially through this period of change in educational finance.

Thank you, Mr. Chairman. I know that you and the other Congressmen have fought vigorously on behalf of education and my statement today is in support of that effort.

Dr. Lucas. On behalf of the district, then, Mr. Chairman, I would again like to thank you and the committee for the opportunity to enter for the record Los Angeles Unified School District's concern for the extension of the Elementary, Secondary Education Act, title I, for future years.

I would again like to reissue an invitation to the committee to visit our district and know that pupils, staff, and community stand ready to support you in your efforts. We stand ready for questions, if there are any.

Chairman PERKINS. I have several questions and I know Mr. Quie will have several questions.

First, let me compliment this distinguished panel. You have a very able representative here in Washington in Mr. White. He is always looking after your interests and trying to obtain everything possible for the great State of California.

Let me ask the panel in connection with the busing problem that you have out there, in view of the court order ordering integration, how is title I money working?

Is it following those students, those needy youngsters that are qualified, or is it remaining in those ghetto sections, or just how is this problem working out and how is title I money being utilized in accordance with the ruling of the Office of Education and the State department of education?

We are trying to correct all situations where they need to be corrected.

I know you have a serious problem out there, but tell me, tell the committee how it is working.

Dr. LUCAS. I think there are two aspects to that, Mr. Chairman.

One is our intergroup relations component of title I, and I would like to ask Mr. Anton to respond on the delivery system we are using for funds.

Chairman PERKINS. Go ahead and respond, Mr. Anton.

Dr. ANTON. We are utilizing the concept of following the child——

Chairman PERKINS. I didn't get that statement. Talk a little louder.

Dr. ANTON. We are utilizing the concept of following the youngster with title I services as he moves from the ghetto school.

Chairman PERKINS. The money follows the child, in other words?

Dr. ANTON. Right, in terms of services.

We have a two-prong plan.

One, where the numbers of youngsters are so small that a concentration of dollar support does not allow for a program to be developed, for example, if a school is receiving less than 20 youngsters, we have a program that is planned and coordinated centrally with resources that consist of materials for the receiving school, and inservice training for the teachers in understanding how to deal with the youngsters they receive. If the receiving school, and this is the majority of them, receives more than 20 youngsters, we have them mostly receiving, oh, anywhere from 60 to 100, so that there is a fairly large concentration of pupils coming in from the ghetto school, then we have a program coordinator that assists again, the parents of these youngsters are in that advisory school, in the new school.

They do develop a program in conjunction with the school staff at that particular level.

Chairman Perkins. Mr. Anton, did I understand you a few moments ago to state that you were only presently serving 19 percent of the needy youngsters under title I in the city of Los Angeles?

Dr. Anton. No, we are serving approximately 45 percent.

Chairman Perkins. Serving 45 percent. Why aren't you serving more than 45 percent?

Dr. Anton. Because that is the extent of our funding.

Chairman Perkins. That is the extent of your finances?

Dr. Anton. Right.

You see, in California we do have support mandated under State guidelines of $330 per pupil.

Chairman Perkins. Have you been able to evaluate the results obtained from title I expenditures in your city recently?

Dr. Anton. I am sorry, I didn't hear the question.

Chairman Perkins. Have you been able to evaluate the results obtained from title I expenditures in your area?

Dr. Anton. Yes, we have.

Chairman Perkins. Give us something about the results from your evaluations.

Dr. Anton. Let me turn it over to Mr. Posa, who is our man in evaluation.

Dr. Posa. Well, in terms of evaluation, Mr. Chairman—I am John Posa, incidently, assistant director of the Measurement and Evaluation Branch of the Los Angeles City schools—the nature of the evaluation takes two forms:

One, standardized testing in reading and arithmetic, and also accumulation of data in the various components that are required in the program, components that Dr. Lucas has mentioned, intergroup relations, auxiliary services, parent participation, and staff development.

The results of the standardized testing and reading have been rather steady for the last 2 years, steady in the sense that they are not outstanding, they are not dramatically different. They are consistent and in the majority of the cases, our schools are meeting the objectives set of exceeding—or rather, of approaching a month's gain for a month of instruction.

In arithmetic, however, the students do a little bit better and the arithmetic achievement exceeds the objectives in nearly all the grade levels.

We have some soft spots but then we have some highlights, also. Our highlights seem to be at the preschool and grade one level as well as the upper primary grades, four, five, and six, with our secondary pupils, nonpublic school pupils, and our English as a second language, as Mr. Anton said.

Chairman Perkins. Talk just a little louder.

Dr. Posa. In summary, the progress has been steady. Not dramatically sensational, but steady progress, and we think we have been building a base which in time will show the full effects, and I think time is the answer to the full effects of the title I program in achievement.

Chairman Perkins. Do you know of any better way to provide quality education for the youngster in the ghetto, children in elementary-secondary schools in the ghetto areas, and the schoolchildren that need it most, any better way than through title I?

Let me ask your advice along that line.

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Dr. LUCAS. It would seem to us with the present guidelines of title I, forgetting about the funding problems, that the arena is set for any innovative idea to enter to effect a change in the education of the disadvantaged youth.

We know of no better way, right now. We think that the particular program we are concerned about and discussing this morning has many avenues in it. It is flexible enough for any new idea to be instilled.

Chairman PERKINS. Now, how should we proceed, in your judgment, insofar as giving the needy elementary children in your city the best, the highest quality education? Should we make more money available through title I, or should we go in the direction of general aid, or just how in your opinion should we proceed?

Dr. ANTON. Being the title I director, I have to be honest and say I speak from a bias in terms of maintaining categorical aid but there are some in our district who would favor general aid. We feel that the categorical aid nature of title I is directed and meets the objectives and the needs of these youngsters.

We have in essence taken our shakedown cruise as a nation, and suddenly as a school district, and we feel that now we have a method, a delivery system, a program guideline from the Federal and State level.

At our own local level, we have the involvement of parents and teachers. We have people turned on. And I think that one of the key factors, as I mentioned, would be if possible to have full funding so that we meet the needs of all eligible youngsters and then certainly full funding over a 3-year period, minimum 3-year period, because then we have a goal and time to reach the goal and we can make program modifications en route.

Chairman PERKINS. Well, let me ask all of you whether you consider it your highest priority in improving the quality of education in your Los Angeles school system that title I be fully funded.

What is your comment along that line?

Dr. LUCAS. Mr. Chairman, I believe that with the direction in which title I is going now in terms of categorical aid, with its objective which is to meet the needs of all disadvantaged, low-income youth in our district, as long as the funding allows us to take care of only 40 percent, the district's conscience certainly is not in good stead when we evaluate the overall effort. It would seem to me that the categorical aid concept targets the program. The only thing is, the arrow approaching the target is not going to hit the bull's eye, and we know it before we begin and I think we get into what Mr. McMullen is concerned about, and the morale of our troops.

George, could you add to that?

Mr. MCMULLEN. Thank you, Mr. Chairman.

I would like to put in context your question, whether we have in mind the national problem of things we are finding in various States.

In California it is Serrano versus Priest, where we are now being taken to task over the educational finance formulas.

When we begin examining the basic data we will ultimately come to the conclusion as a people, I am sure, that it is not that simple, that people are different, and we have a foundation and a base to establish those differences in how we are trying to help young people.

Over the years we have had separate considerations in finance, in programs, staffing complements, staff development and training for a wide range of handicapped pupils, retarded pupils, and the like.

Compensatory education is a category of people, in addition to the categories that we have already identified. My thrust and my comments this morning urge the stabilization of these finances during the transitional period because it is my belief that we are going to be addressing ourselves as a nation to this problem between States, within States, and within districts, on how we come to grips with the focus on the individual child.

The children are different. We have got to take that into consideration, rather than masking the differences by gross averages. This is my real concern now. This is why this morning I urged not hesitation funding, but a continuum, continue the title I program while we go through this transitional period and come to grips and reexamine.

It is fine if we are prepared, if we as a nation are prepared to face massive changeover, suddenly, to the new, but we are all groping and debating with what is new?

In the meantime, these young people are in classrooms with teachers and we are trying to work with them, and we can't give them that shock treatment and expect Mr. Posa to come up with gain each time, if we continually change the ground rules.

Chairman **Perkins**. Well, let me ask you, do you think title I should only be used for reading and mathematic skills?

The President's bill, the Equal Educational Opportunities Act, tried to limit itself in compensatory education funds to reading and mathematics with very limited auxiliary reserves.

Now, do you agree with that approach?

Dr. **Anton**. Mr. Chairman, basically, no, we don't agree because we are dealing with whole individuals and they have needs that are paramount. A health defect that should be diagnosed and then treated could be a barrier to learning, for example, the child may need eyeglasses. Pouring all kinds of money into math programs and reading programs, special teachers, and so forth, for that particular child, is not really going to hit the mark until he is able to, and I know this is a simplistic example, but until he is able to see and function.

So we think that the components as we have them in California, the main focus is language, arts, reading, and math, but there are necessary auxiliary services, components, staff development, parent involvement in the intercultural, intergroup activities.

Chairman **Perkins**. Now all of us want to do all we can to improve title I and especially you gentlemen since you feel we should fully fund title I before we go to general aid. How do you feel from the standpoint of serving the youngsters that need it most at the elementary-secondary education level, improving their education?

If the tax credit bill pending before the House Committee on Ways and Means were enacted into law, how would that benefit these children in your judgment?

Dr. **McMullen**. Mr. Chairman, I haven't had the opportunity to review it in detail, only some news releases relative to the tax credit law. The tax credit law itself it seems to me would encourage the establishment and——

Chairman **Perkins**. We don't hear you.

Dr. **McMullen**. The tax credit law, at least as far as I understand it, would give tax credits to those parents who want to take advantage of other than public schools, and this would then in turn tend to strengthen the variety of options available to the people.

But this does not address itself directly to the focus of title I that we are talking about this morning.It is in addition to, it would be another consideration, and as we come to grips with solving the entire school, institutional educational financial problem, it can't be matched off against would you rather have a tax credit versus a full funding of title I, although I understand the principle that there is only *x* dollars in the Federal treasury. This I understand. But at the same time, you are not making comparable decisions on that, at least in my opinion.

Chairman Perkins. Does anybody else want to comment on that?

Dr. Lucas. Well, I indicated that there are over 3,600 nonpublic school participants in our title I program, a small percentage of the overall eligible students that we are able to serve—I know it seems that this number might rise a little bit, there might be more students in the nonpublic schools. I think a positive spinoff from that would be an answer to those of our citizens who would like to increase the alternative methods by which their children are educated.

Dr. McMullen. Also, Mr. Chairman, in direct response, I think there is one kind of an answer that we would give in terms of K–12 education. There is another kind of response that would be more appropriate for higher education. I think there is a clear distinction.

Chairman Perkins. Well, would you favor an amendment to the Elementary and Secondary Education Act which would guarantee a school district 80 percent of the previous year's title I funds if Congress were late in appropriating funds for title I? How do you feel about an amendment along that line?

Of course, you have suggested 3 years advance funding in order to give stability to the program and I agree with you. But in spite of everything that we can possibly do here, I just doubt that coming about in the foreseeable future. But, if we do get something, by adopting an amendment to ESEA that would guarantee a school district 80 percent, or maybe that percentage figure is not right, of what you received the previous year to give some limited stability, how would you feel about an amendment of that type?

Dr. Lucas. I think Mr. McMullen, as he plans the budget for the ensuing year, would be most pleased with the fact that any percentage is coming in which he could plan on.

Mr. McMullen. That is right. I think this goes to the heart of it. The ideal would be 3 years. The reason for the 3 years is technical but it makes it possible for the planning to proceed in an orderly fashion with the most effective utilization of funding.

Right now, you take the balance of 1 year and apply it to the program the next, so you find an expansion and contraction taking place over time. Rather, if you had 3-year funding, you would be able to stabilize 1 year, whether you take your balance and reapply it to the secondary forward, if you had secondary forward.

If you had the combination of the "Tydings amendment" concept, and the 80 percent funding, you would have, in effect, accomplished the objective.

Voice. Was that 80 percent level of full funding?

Chairman Perkins. Money actually appropriated.

Mr. Anton. In terms of inflation, and so forth, it would be about 75 percent.

Chairman Perkins. That is about correct.

Mr. Anton. Of course, that would give a degree of stability and, of course, would be very welcome because then we would kind of begin to stop this yearly hesitation funding. We could plan on the certainty of 75 percent.

Chairman Perkins. Yesterday, we were told that the Missouri State Department of Education forbids continued title I aid to children who improve their reading scores above a certain level.

Now, is this a problem in California, and does it mean that some children are abruptly denied title I aid if they improve their reading scores just a little?

Dr. Lucas. Do I understand Mr. Chairman, you said they forbid a continuance if they meet a certain level?

Chairman Perkins. Yes.

Dr. Lucas. Yes; we have experienced this at one of our schools, the 92d Street School, 3 or 4 years ago, where they actually outread—they read themselves out of the program, and the effect was that the community was most upset, school staff and its administration, most upset, and guidelines were adjusted to take care of this.

We believe that compensatory education must be a continuing force, and we are not ready to really set the limits by which it shall be withdrawn.

Chairman Perkins. Now, yesterday, it was suggested by Dr. Moeller that title I funds should be available to provide special assistance to educationally deprived children regardless of where they live in a school district.

The selection of a limited number of attendance areas eliminates many severely educationally deprived children in noneligible areas from receiving the benefits of title I.

How do you feel along that line?

Mr. Anton. There really does not seem too great a problem for us because our concentrations are so large, and it might be unique to that situation. For example, we have 197 eligible schools alone and we are just in 106.

Chairman Perkins. Just in 106?

Mr. Anton. Yes, sir.

Chairman Perkins. The reason you don't serve the others is because of lack of funds?

Mr. Anton. Yes, sir; now, I think that in the early years of title I we were serving more schools and more youngsters, but we spread the resources out.

In California and in Los Angeles, we found that this was not really meeting the needs. So, we had to make the hard decision that it is better to concentrate the resources and make a definite impact on some youngsters, literally save them.

And it is cruel, but rather than justify, you know, a slice of bread to each one, we fed one group a full meal and the other group just had to get by with whatever it was.

Chairman Perkins. If I understand you correctly, you state that title I is about 40 percent funded. And, if we should finance title I in accordance with the authorization and the needs of educationally deprived children, this would require an additional $2½ billion for title I ESEA, and that is what you are suggesting to the committee is the best, that should deserve top priority, and that the Congress should do.

Mr. ANTON. Yes, sir.

Chairman PERKINS. And you have further suggested that we should appropriate 3 years in advance in order for the local educational agencies to do the best job of planning possible?

Mr. ANTON. Yes, sir.

Chairman PERKINS. Advanced funding.

Now, a school or classroom that contains more than 50 percent educationally deprived children, do you feel that that school should be able to plan supplementary educational opportunities for the title I children that may affect or involve all children in the school, or classroom, if this is necessary to effectively aid the so-called educationally deprived children, within that classroom?

Mr. ANTON. Yes, sir; there are certain things that you cannot separate without damaging the thrust of desegregating the youngsters, such as the media labs, or the specialist teacher working with the classroom teacher and the aides in the particular situation.

There could be greater control of the special pupil, directed activities such as health diagnosing, counseling, et cetera, for—and limit that to the eligible title I youngster, more specifically.

But, in terms of the educational process in most of our schools, where there is a 50-percent breakdown, there is such a fine line anyhow that you know—if you were stepping over into general aid, in that particular situation, it is not the kind of general aid that would be in a very well-to-do area that does not really need it.

Generally, we are still on the basis of a neighborhood school, and it is—it might be a school that is in transition which probably will be—and 2 or 3 years hence, would probably be more disadvantaged as our trend goes in the innercity.

Chairman PERKINS. It was further suggested that the title I amendments, by Congress, and regulations and guidelines by the U.S. Office of Education, should provide a complete, fiscal year notice before they go into effect in order to provide for institute transition and institute operation.

Do you agree with that suggestion of Dr. Moeller, that you need that much advance notice?

Mr. ANTON. Yes; this is what I covered, as I describe it, a phasing in and phasing out, because again, we are committed in Los Angeles to the concept of local program development based on local needs assessment. And these are time factors that have to be taken into consideration, if you are drawing a partnership between community, staff, and, of course, the central administration.

Chairman PERKINS. Have you observed that the regulations handed down by the Office of Education are too rigid, or in other words, not flexible enough, and tell us whether you feel that the local educational authorities should be involved in rewriting those regulations?

Dr. LUCAS. We are currently concerned about the comparability requirements in the guidelines. Mr. Anton has been in negotiations with OE on that, and I am sure he has some thoughts about it.

Chairman PERKINS. Do you feel—do you find those comparability regulations governing the comparability statute too rigid, or do you feel if you were permitted to offer suggestions that you could do a better job from the standpoint of quality education for your children?

Mr. ANTON. We agree with the concept of comparability, because you do have to have an equal base to begin with. And, then title I becomes supplemental. We have found that the regulations in terms of the ratio of teachers to pupils, noncertificated and certificated, that if we combine these ratios, it does give the flexibility that we talked about in terms of local option, at the local school.

If we treat them just separately, it does remove that flexibility; so we are in favor or relaxing the legislation—relaxing the regulation, so there is certainly an instructional adult to pupil ratio that is comparable, but still is not limited only, say, in the teacher to pupil and could be classified, et cetera.

We feel we should be involved because we are on the firing line, so to speak. We should be involved when there is regulation modification, et cetera, because we think that we are the ones that have to put these regulations into effect, and that together with input from the field, and input from OE, compromises can be worked out that will meet the requirements of law, and yet can be easily done in the field.

Sometimes regulations that come out are very difficult to administer.

Chairman PERKINS. Well, we could not have the local school people throughout the country, they should be—yes—to advise, but do you feel that a certain limited number of local school people to represent the school people in writing the regulations, especially the—concerning the comparability statute and other sections of the ESEA, would be adequate, or do you feel we should leave it up to each local school system?

Mr. ANTON. Well, I really feel that we could—I think we have to have a Federal unification of regulations, with input from the field. I would be very secure if Dr. Boney, from Houston, spoke for the large cities, because I think our problems are basically the same in the large, urban areas, and I think the rural migrant area problems are basically the same and that any educator could represent any other, no matter what part of the country.

I really think that, in terms of the local option, there are areas where local option can arise and we have it now, in the regulations. Our State department, in California, we know, we have a very good working relationship with them, and when guidelines come out, we are involved in the State guidelines as they interpret the Federal regs, and it is a give-and-take situation.

We don't necessarily win all our points, but then we are able to modify something we feel would really work a hardship.

Chairman PERKINS. It would seem appropriate that the people who are involved in carrying out the regulations should have some say-so in writing the regulations.

I have another question here. It was further suggested that educationally deprived children—by Dr. Moeller, yesterday—that qualify for title I, should remain eligible for a period of 3 years after they reach a level of achievement that would make them ineligible for title I. This should enable the school to make their accomplishments more secure, before they are deprived of the special benefits of title I.

Do you agree with that?

Mr. Anton. Yes; we do. John?

Dr. Posa. Yes.

Mr. Anton. Yes; we do. We have to cement the gains, you know, one year could be just a Hawthorne effect or some of these things. But, if it is consistent over a period of time then you can have pretty good assurance that it is there.

Chairman Perkins. Do you believe that title I should be amended to provide that in any case where the State educational agency alleges that such agency is not authorized by law to provide for the private school children as required by section 116-19:

> The State educational agency shall provide the Commissioner with a written statement signed by the appropriate legal officer of such agency setting forth the constitutional and statutory provisions and case law which in his opinion present the state educational agency from so serving private school children. The Commissioner would then arrange for the provision of title I services to such children on an equitable basis and the cost of such services will be paid out of the affected school district's title I allotments.

Are you confronted with that condition?

Dr. Lucas. We have a fine working relationship with the nonpublic schools within our district. I think we are involved in, what, 48——

Dr. Anton. Forty-eight schools.

Dr. Lucas. Forty-eight schools now. As I understand it you are saying if we did not serve those children the Office of Education—the Commissioner would step in.

Chairman Perkins. Yes.

Dr. Lucas. Proportionate share——

Chairman Perkins. If State law prevented it. But the State law does not prevent you in California?

Dr. Lucas. No.

Chairman Perkins. From serving those children?

Dr. Anton. No; in fact as we mentioned we have about an 8-percent involvement, 8 percent of our population, target population is in the nonpublic school system.

Chairman Perkins. One concluding question now. What in your opinion should the Congress do to improve the quality of elementary and secondary education in this country to obtain the greatest results?

We are trying to get a consensus of opinion. We have got so many opinions and we have not been able to solidify sentiment for the past year or so and we are going to do our best to get a consensus so we can put something together here, an elementary and secondary education bill that can go places.

Dr. Lucas. Mr. Chairman, I think those of us from California immediately focus our attention on the financing of public education in our State. It is probably because of the history of problems we have gone through in the last 4 or 5 years in terms of decreasing State input into the educational system.

It simply means that, because of many of the concepts that Mr. McMullen has put forth, we are steadily falling behind.

Our staffs are being depleted, our school buildings are dirty, they need attention.

You are all aware of the mandate of the State saying that our buildings must be earthquake safe by 1975. Even with the State bond drive that was successfully passed, we are only able to take care of 80 percent of that.

I think all of our attention seems to focus on the financing of schools, the amount apportioned to schools and second, the delivery system.

I think Mr. McMullen would add something to that.

Dr. McMullen. I think if we don't stabilize, step No. 1, at whatever level, in order to retain on board the staffs that are there, we are going to continually erode.

Two kinds of erosion are taking place in public education today in my opinion. There is erosion of human assets. The people that are involved in this whole business are beginning—they are being given shock treatments in terms of changed jobs, terminated programs, cut budgets, and we are finding the results of this more and more in our newspapers, even as I read the local newspaper here today.

The other part of that is that we are selling our futures. In terms of our physical plants, this Nation has invested billions and billions of dollars in lands, buildings, and equipment in public education. And in order to preserve some semblance of an educational process for kids, we have been letting those plants go. Cleaning schools every day is a thing of the past. Painting, exterior painting programs that used to be on a 10-year cycle haven't been touched in 20 years.

This whole problem of task force maintenance, I am sure you could talk to district after district, and the only fortunate ones are the ones who have recently had construction moneys for the building of new plants.

So we are concerned about that, we are concerned about the space available to this changing thing we call education.

So we are selling our futures in terms of the erosion of our human assets and our physical assets. This is the thing that concerns me. This is why I am pleading for stabilization because I know that step No. 1, that has to take place first while we come to grips with the whole question of what constitutes the educational formulas of the future in this country, because the rest of—the ones that are on board now are not standing the test of the courts.

Chairman Perkins. Let me compliment this distinguished panel. You have been most helpful to the committee.

Los Angeles, to my way of thinking, has one of the best title I programs in the country.

We want to work with you to make it better and we want to work with you in every way we know how to improve your elementary and secondary schools in that great city.

And I want to thank all of you for your appearance here today.

Mr. Quie?

Mr. Quie. I am sorry if I ask a few questions that might duplicate those of the chairman because I wasn't here at the beginning.

What is the situation on the court case out there in Los Angeles on desegregation?

Dr. Lucas. It is being appealed. It is up for appeal currently.

Mr. Quie. To what court is it being appealed?

Dr. McMullen. State supreme court.

Mr. Quie. State supreme court because it was a State court. So nothing is happening there.

Then second, on the *Serrano* decision, are you waiting for the outcome of the Rodriguez decision in the supreme court or is there some action to correct the situation in the next session of the legislature?

Dr. Lucas. We alluded to some of the school finance reform measures that are before our State legislature in introducing Mr. McMullen, our budget director, and his concept of hesitation funding. I referred to hesitation legislation. It seems like our legislators are hiding behind the *Serrano* decision. We think they are hiding behind a local State tax reform initiative that is on our current ballot that would limit the property taxes in the State of California.

Two or three measures were introduced into the State Legislature with direct thrusts toward meeting the Serrano problem, but as of right now, those measures are dead and we don't anticipate in this current session anything happening.

Mr. Quie. If you were to bring about the equality of expenditures per child in California that the *Serrano* decision at least attempted to bring about, what kind of increases in State revenue, whether it comes from State taxes or local taxes, would you be talking about?

Dr. McMullen. We would be talking about a minimum of $500 million in California in the first year out. That is minimal. In addition to that, there has to be a redefinition and rethinking of finance formulas. We think we have thought all these years about equalization principles and property values relative to the ADA and all these things. In Los Angeles we are questioning the principle of averaging daily attendance. This is not the way people operate. Kids are there if they are sick or not. Staffs are on board, so we have to rethink what constitutes average daily attendance.

We also have to look at what Serrano said. If we get into the depths of the statement, we are talking about classes of pupils. If we try to meet the commitments to kids, it is very simple to take 800, 900, or 1,000 per ADA and simply allocate that on out.

That isn't going to meet the commitment. The commitments are going to be to the class of pupils that you are discussing and this is why we are talking about maintaining title I. Fund it. We are talking about the physically handicapped, and on and on and on, within the finance formulas of the California State Legislature and within the legislation that has been adopted by the Congress.

We have got to work those things in tandem so that on balance we can meet the commitments to the different types of kids that we have to address ourselves to in the public schools every day.

Once we meet that, then we can talk about the movement of mass general aid or the increasing of this or revenue sharing for property tax reduction and all of these other tax credit programs that are being considered.

We have to focus on what are we doing, those whom we are trying to serve and in what way are we trying to serve those young people.

This is where I see us on that. California will minimally have to come on board with $500 million. In fact, the proposals that Dr. Lucas referred to—there were three or four major proposals. Five hundred million was the floor; $1.2 billion was a major package that was under consideration.

It had in addition to education other programs of tax adjustments in it.

Mr. Quie. Would that $500 million bring everybody up to the median expenditure?

Dr. McMullen. That would just take care of inflation. We are talking about a public school system in California that has not maintained the inflationary spiral for kids.

Mr. Quie. What would it cost to bring everybody up to the median expenditure of the last year providing you don't bring anybody down, you know, that is the tough part. You aren't going to get this accepted, if you bring everybody down to the median, too.

Dr. Lucas. The proposals that were put forth have a factor, a concept of power equalizing within them. It is a Robin Hood approach. We take from the rich and give to the poor. So when we talk in terms of how much would it cost, we could go to Sacramento and see how much they are going to put in, then we could go to Beverly Hills and see what it is going to cost the taxpayers in Beverly Hills to assist in this equalization throughout the State. I know of no figure that has been put forth which takes into consideration power equalizing plus the State effort.

Dr. McMullen. If we did not reduce any level of expenditure currently onboard, if our objectives were to raise all those below the average up to the average level, I believe the figure in California would run a billion and a half dollars.

Mr. Quie. Those above the average wouldn't stand for it if they had their expenditure reduced but your power equalizer would have proposed to reduce expenditures in some distincts, too, would it not?

Dr. Lucas. Yes.

Dr. McMullen. Of course, the power equalizer in some of those formulas left it to the local option, then, but the tax levies that the board would have had to make were so gigantic that it would have been impossible.

Mr. Quie. It is hardly fair if you add $300 to a school district that is spending $500 per student when another school district is spending $1,500 per student, so you really have to bring about an equalizing within the State before the full impact of title I can be brought to bear on the students that are disadvantaged.

Dr. McMullen. This is why we are focusing on the sustenance of these efforts in categorical aid programs because it is probably going to come to pass over time that the average we are talking about, the $500 per child or $1,000 per child, is a figure that is masking reality.

Built into that figure are the high costs of the $3,000 per unit cost for the educationally handicapped, kids who have neurological impairments, the mentally retarded child who is running $1,500 a program. This type of thing is being masked in the averages.

This is why we are urging that we consider the various levels of students that we are trying to serve and relate that to the financing of them.

Mr. Quie. If you are going to adequately take care of the compensatory educational needs of disadvantaged children, what would you say would be the additional cost to the normal cost of education? You have mentioned $330, but what would be the expenditure that you would be making, an average that is, because I know it varies depending on the reasons for the disadvantage.

Dr. Anton. Well, first of all, as we have indicated we are only at 40 percent funding of those eligible, so the first—even at that minimum of $330, we would need 60 percent more to meet the needs of every eligible disadvantaged youngster.

Mr. Quie. I am not talking about that right now. I am just talking about what is the additional cost over normal education?

Dr. McMullen. What you are talking about, is it the $330 that is used in California as a guideline, the appropriate number?

Mr. Quie. That's right.

Dr. McMullen. These are the recommendations that have been jointly made by local staff and the State department as they have looked through the information that has been available, based on pilots that were made during the first 2 or 3 years of the title I program in California.

Mr. Quie. We had the assistant——

Dr. Anton. It was $330 this year because of the inflationary 10 percent cost.

Mr. Quie. The assistant superintendent from Oakland indicated $450 would be the figure he would use and I was wondering if you had come to any conclusion on that?

Dr. Lucas. He might——

Mr. Quie. He said it takes about half again as much as normal education and he used $900 as the average cost of normal education.

Dr. Lucas. Of course, there is another facet in that $330 per child, what is our inner city compensatory program?

Dr. McMullen. We have $12 million.

Dr. Lucas. $12 million of local taxpayers' money, an increase in Federal funding, of course, would help to relieve that and enable us to take care of some of the local problems that George has referred to.

Mr. Quie. Can we see anything on the horizon of reducing the cost of education?

Dr. Lucas. One thing comes to mind and it didn't strike home until I saw a chart compiled by Mr. McMullen, that is the increase of personnel that have been brought aboard because of title I. You will notice one line that is skyrocketing and that is the use of educational aides. I think if someone came in and made a study in terms of the effectiveness of those aides, in terms of the dollars spent, he would find this is one area that is bringing the cost down per child.

Mr. Quie. The reason why I ask is that when you look at just the last 20 years there has been a dramatic increase in expenditures in this country for education. Twenty years ago nobody would have believed that would have occurred. You know, more than half of all the money spent in education in the world is spent here on 6 percent of the world's people.

Dr. Louie Bright, from Waco, Tex., once head of educational research, said he did a study and he began with 1830, and looked at the increase in the gross national product and the increase in the cost of education. He said by the year 2030 or 2040 we are going to be spending more than our gross national product for education, if these trends continue.

Someplace before the year 2030 the cost of education has got to go down.

Dr. McMullen. I think we agree with that.

Dr. Lucas. I have just returned from the Scandinavian countries where I talked with educators. It is amazing how more alike we are than different. I am interested in seeing a study of the relationship of the rising cost of education with the cost of other things we feel are of paramount value to the national interest.

I think we would find that costs in most of those areas are increasing. Then I would like to see another study that would indicate what is the spin-off from education today in relationship to what it was 30 years ago, and what is expected of education today in terms of yesterday.

Mr. Quie. Have you read in newspaper articles of Christopher Jencks?

Dr. Lucas. On the plane. Very interesting.

Mr. Quie. Also the Rand study went into compensatory education programs. They found that compensatory education didn't have much effect, so you might as well take the cheapest one and save money.

Dr. McMullen. I always like to ask the people from Rand, I work with several of them, have you considered the alternative?

Mr. Quie. They considered the alternative between the various compensatory——

Dr. McMullen. No, they didn't consider the alternative of abandoning the program. I would like to respond, if I might, just for a moment.

I have in my briefcase Denison's—a summary of Denison's report. I have some extracts here. What you are really asking is, to what extent can we continue to allocate a greater percentage of the GNP as we go through the years ahead. I think part of that relates to the fact that if you look at a certain group of the economists, they are agreeing that over 25 percent of the contributions to the growth in that gross national product is a direct output of the educational institutions, private and public, and all walks of OJT and all.

So we are on the horns of a dilemma. I am back to Hoover, who said if we were to terminate public education in this country for a generation, we would set back civilization for a thousand years. I think that puts a little caper on the relationship of the two as we begin struggling and coming to grips with it.

In addition to that, I think we have not been allocating to the educational institutions the levels of research that go along with the levels of expenditure so that we can begin responding with data to those kinds of facts. We are focusing on providing guidelines to evaluate in title I. But there is no way that I can expand the research and development budget of the Los Angeles Unified School District.

We have two people who are really there to do some of the creative aspects of the work. The rest of the people are there because they have to satisfy statewide testing mandates. There is no way we can focus on the creative aspect to answer your questions.

Mr. Quie. On the question of research, I think that is one area definitely in which the Federal Government has fallen down on the job. The Federal Government should be the one that puts up most of the money for research. I think research has to be conducted in the school districts, not done in isolation for the most part. It was the Federal Government that really provided most of the money for the amazing results that have occurred in the production in agriculture and the great breakthroughs we have made in curing diseases.

Dr. McMullen. But that started with the land-grant colleges.

Mr. Quie. Hopefully, they will do what land-grant did for agriculture. What about looking at your census information? What do you think is happening there in the reduced cost, because, you know, those maternity wards are standing empty now that we have the pill and all the other things and vasectomies have become common.

Dr. McMullen. Dr. Lucas and I were working with another member of our staff who is presenting a paper tomorrow on shrinkage. This is an interesting notion which you will hear more about as time comes about, dislocation of facilities, do you sell or don't you sell the site, when there is only, you know, 35 kids and the site was built for 1,500.

These are the kinds of problems that we are having to come to grips with as the population shrinks. The question is going to be watching carefully this zero population growth that I mentioned in my paper to see whether it is going to continue or whether at the end of the 5-year period there is going to be an upswing.

We are projecting, in my district, over the next 5 years a loss of 45,000 pupils. That is one interesting number. On the other hand we are projecting an increase of 23,000 minority. So we are having to make some substantial adjustments in the characteristics of the educational system that we are providing the young people that are there.

It isn't—I must confess I got into a great debate with Dr. Jack Crowther who is former superintendent, who thought "You are on your way, you don't have to worry any more, pupils are leaving, your expenditures are up and you will be able to adjust and correct and go on." This is not the complete answer, and it will not be.

Mr. Quie. I saw someplace where there are 160,000 fewer white children today who are 5 years of age than there were 5 years ago, and there are 230,000 more nonwhite children today who are 5 years of age than there were 5 years ago.

That would kind of indicate the same thing you are talking about.

Dr. McMullen. That's right.

Mr. Quie. You mentioned prekindergarten classes during your testimony. To what extent are you using title I money for prekindergarten classes?

Dr. Anton. In our school district, the prekindergarten classes are all title I.

Mr. Quie. You must have some Headstarters.

Dr. Anton. There are Headstarters which are under OEO. But in terms of the school district, we do have, just starting out, isn't it Dr. Lucas, in our children centers we are going into prekindergarten course content from State, isn't this true?

Dr. Lucas. Yes; we are utilizing some of our facilities in our child care centers. We have a program known as combination centers where we do have children who go to a neighboring school or a school on which the campus or site is situated. When those children are in the regular classroom, we are utilizing those facilities by bringing in other children in the neighborhood, preparing them to enter into the formal school setting.

Mr. Quie. What does it cost you for a year for a prekindergarten class per pupil?

Dr. ANTON. Our classes run about 18,000 a year and we are currently spending $1.8 million in——

Mr. QUIE. Can you get that down to the per pupil cost?

Dr. ANTON. About $1,500.

Mr. QUIE. $1,500, so that would be a comparable figure with Headstart, what they are spending?

Dr. ANTON. Yes.

Mr. QUIE. Do you have any information on the number of children in Headstart and the number of children in your prekindergarten classes?

Dr. ANTON. John, do you have any?

Mr. QUIE. While you are looking for that, let me ask you, if there were an expansion of prekindergarten programs especially for children of working mothers, do you think that the school district would be competent to be the administrative unit to handle that program rather than, well say, the city, itself, through the mayor?

Dr. MCMULLEN. Yes.

Dr. LUCAS. Definitely we feel that we are the professional educational leaders within the community.

Dr. MCMULLEN. We also have a track record.

Mr. QUIE. A lot of people think the school people don't have much interest in prekindergarten, they would give them short shrift and all of these things.

Dr. MCMULLEN. I think to be helpful, we would like to go back to World War II when we had to have women in factories and in our aircraft plants and shipbuilding facilities in the harbor area.

On the West Coast we established child day care centers, 7 to 7. These were administered by the Los Angeles City School District and provided for those young people to be taken care of. When they attempted to remove the legislation, a characteristic of the working population seemed to become rather stable along about 1949, 1950, 1951 so even in those days there were 20 to 25 percent of married women working and the child care centers had to be kept on board, both from State financing sources and local taxing sources.

As this grew, experimentation began taking place and a general upgrading of the children centers, child day care centers program. They retrained and did staff development work and raised the general level of requirements for teachers, head teachers, this type of thing in the day care centers. And this is a long, evolving process of conversion of the children's centers program to preschool.

Mr. QUIE. My own feeling on the matter is that the school people, be it the school board or administrators, are more competent to make determinations on child development programs than mayors and city councils and county commissioners.

Dr. LUCAS. Also, Mr. Quie, we feel in California that our Superintendent of Public Instruction, Dr. Wilson Riles, is exerting leadership in the whole area of early childhood education. A segment of that particular program is prekindergarten, but also there is a thrust in there for those of us in the field to take a look at grades 1, 2, and 3 and see what we can do about reorganizing this entire program up through the third grade, so we are making a commitment to early childhood education.

The legislature, in fact, is ready or had a bill that we think will be revived after the recess that is appropriating $30 million immediately to go into this.

Mr. Quie. Through the schools?

Dr. Lucas. Yes.

Mr. Quie. Some States, they go through the public welfare department.

Dr. Lucas. Well, we take issue with the term "child development", I think. We like early childhood education but I think it is a problem in semantics.

Mr. Quie. Ray Moore might like to talk to you about that.

Dr. Lucas. Yes.

Dr. Anton. We have, in answer to members, we have in 50 schools approximately 92 classes, pre-K classes this year. Just hazarding a guess, we think that probably there might be, oh, about 70 Headstart classes.

Mr. Quie. To what extent is the bilingual program funded out of the bilingual program's separate legislation we passed and to what extent are you funding bilingual programs in title I?

Dr. Anton. In title I, our bilingual bicultural program, we utilize the ESL approach in order that the title VII pure bilingual program will not be quote "contaminated" by our doing a bilingual, so we are utilizing the English as a second language approach.

And in that we have—where is my budget? John, I guess you did have to drag it out of yours—1,000 pupils.

Mr. Quie. If there were going to be expansion in bilingual programs would you like to see the separate legislation expanded or more money in title I so you could go ahead and take care of your bilingual problems?

Dr. Anton. I think that an honest answer would be that the district probably would wish to see the title VII bilingual program expanded rather than title I, and I think also from the standpoint of meeting the needs of Spanish speaking particularly, of which we have a lot, it would be politically better to do it that way.

Dr. Lucas. Well you wouldn't have the eligibility problem either, would you?

Mr. Quie. Do we have the information on the number of Headstart children versus the numbers in your preschool program at all?

Dr. Anton. We do this to a great extent in our inservice staff development component. I would say that at least 40 percent of our efforts have been in inservice training for parents as to how best to meet the educational needs of their youngsters as parents.

Mr. Quie. Is that pretty extensive?

Dr. Anton. Yes, it is in the title I program.

Mr. Quie. Yes. Then, on achievement, you say that over 60 percent of the participators have achieved the objectives of 1-month gain for each month of instruction. What is the reason that the other 40 percent——

Dr. Posa. I believe that the 60-percent figure applies to the nonpublic school pupils.

Mr. Quie. Oh, that is right. That is nonpublic. What about the public school students? I imagine the ones who have achieved a 1-month gain for a month of instruction, you must have a certain number that reach that, and some of them that don't. Have you tried to look at the ones who have not achieved it and do you have a percentage for the public schoolchildren?

Dr. POSA. I don't have a firm percentage for this past year. I would say for a year ago it is closer to the neighborhood of 37 percent. 35, 37 percent who have achieved a 1-month gain for 1 month of instruction.

Mr. QUIE. Thirty-seven?

Dr. POSA. Approximately 37 percent. I am estimating at this point.

Mr. QUIE. Then I have another question, why do they do so much better with nonpublic schoolchildren than public schoolchildren?

Dr. POSA. I don't have a scientific answer to that but it is true that the nonpublic schools are very selective in their pupils, the pupils they have. And they are catering or they are dealing with a remedial program only and selected remedial students.

We had a comparable situation in our secondary program in the public schools. The pupils who are declared eligible for the secondary program do achieve at a better rate than do the elementary where we have total saturation.

Mr. QUIE. Could you tell me why you think the other 63 percent of the public schoolchildren are not fairing that well, a month of achievement for a month of instruction?

Dr. POSA. I don't think I can give you an answer to that except that from a mathematical standpoint there is a normal distribution of achievement in almost any school and there will be some that will achieve and some that won't achieve.

Mr. QUIE. We heard yesterday from the assistant superintendent of Oakland who said that first they found pockets of achievement. When you look at total percentages, if that 37 percent were distributed across the whole system you would figure well, that is about all you can do but do you find pockets of achievement and then try and replicate that elsewhere?

Dr. POSA. We do have data that supports the idea of pockets of achievement. If there is a relationship that seems to occur there seems to be an inverse relationship between achievement and range on the eligibility list for title I where you consider one as most eligible.

As we go further down the list of eligibility of title I schools we have an inverse relationship of achievement. We have greater achievement down the list than we do near the top of the list of eligibility. I mentioned earlier we had soft spots. We do have strengths in certain grade levels across the district and we do have strength in certain pockets or schools across the district.

Mr. QUIE. Let me then turn to your proposals for future legislation and I guess when you talk about long-term funding you are talking about forward funding so we appropriate 3 years in advance of when the money is going to be available.

We have authorization in the legislation for forward funding a year ahead of time. We tried it once or twice and gave it up to try to get the appropriations bill through early. That worked for 1 year and well last year I think.

Now we have reached the dismal result again where we have not gotten an appropriations bill through and the school year has begun. My question is how about that formula that you operate under now. You talk of it a little bit in saying that the Mexican-American families that are eligible are not counted. I assume that since Mexican-

Americans tend to be proud individuals and are not on welfare to the extent that they would be eligible to be you can't reach them. A lot of them may have come from Texas, New Mexico, Arizona, to say nothing of children of illegal entrants that would be there and therefore were not counted. Do you have any suggestion of ways of making that formula operate better for California?

Dr. ANTON. Well, what we have, what we used in arranging our schools this time with the agreement of the State department, the assessed evaluation of a single family unit was one of the factors that we utilized. There again, whether you rent or own your own home, if it is in a poverty disadvantaged area the assessed evaluation, which we have nothing to do with, the school district, it is the county assessor, tends to indicate a level of poverty that would not show up in direct correlation with the AFDC.

That is what is being used to distribute the money to the Los Angeles School District within Los Angeles County. We don't use that factor in determining the amount of money that goes to the county. For that the State still utilizes AFDC, so in a sense we in Los Angeles and certainly California and the southwest do lose money in the allocation formula.

Mr. QUIE. What I am also interested in is the fact that we don't hear any hue and cry really from California and the other States that this formula is inequitable. I think it is a terrible formula myself. To give you an example, if this program were fully funded you would get $392.52 per child.

If it were fully funded New York would get $632.60 per child. The disparity is greater at full funding than it is now but the disparity is still pretty great at present. The information I get from OE is California gets $152.16 per child in 1972, and New York $245.33. Now the per capita income expended for education is about the same in both States.

You can't say there is any of that variation. Now you are really getting the short end of the stick as compared to New York and I can't imagine that it costs you less to hire remedial reading teachers, for instance, or anyone else that works in the program in California. I think it is kind of an expensive place to live, in Califorina, as it is in New York.

Dr. MCMULLEN. Mr. Quie, you have uncovered one of the greatest debates that is going to prevail in this country when we begin addressing ourselves to Serrano, because while you and I can now discuss the relationship between New York and Los Angeles or California and New York, really the bullet to be bitten is Mississippi versus New York; and Alabama versus New York.

And we are going to find that we are going to have to take into account not only socioeconomic factors but also general income levels, earning power, capacities of various States, as we address ourselves and as we understand where we are headed in the long view on school finance. You are talking about interstate equilization and there is a long distance to go in recouping that.

And the $2½ billion that the chairman suggested some moments ago as a figure to be debated relative to full funding is only minimal if you are really coming to that unless you go with some of the debates that have been going on in California about removing from New York and California and allocating to Mississippi and Alabama. These are some of the serious issues that we have to give serious thought to in our own hearts as we address the problem.

Mr. QUIE. We have kind of an interest in Minnesota too because the latest figures indicate that while New York spends 5.90 percent of their per capita income for their education and California, 5.96 percent, Minnesota spends 7.61 percent.

Dr. MCMULLEN. I won't get into my own antagonisms toward the formula. Another problem is you don't count as many people on welfare.

Dr. ANTON. That is right.

Mr. QUIE. There are people in New York being counted for which they get $145.33. If they lived in California you wouldn't even count them to get the $152.16.

Dr. ANTON. That is right.

Mr. QUIE. Under this inequitable formula, in this school year we are still counting people from the 1960 census, 1959, we are counting kids that are not in school any more. Anybody who was in the first grade in that census is not even in school anymore and there has been a shift in the population in the country. For most Mexican-Americans, it isn't so bad. Even though you are not able to count them in California, they are still counting them back in those other States from which they came.

I think we have to correct that. To what extent can you say now who the disadvantaged children are in your school systems?

Dr. ANTON. In terms of ethnic breakdown?

Mr. QUIE. No; I don't care what race, color or creed they are, can you identify the people who are educationally disadvantaged and therefore need compensatory education?

Chairman PERKINS. Will the gentleman yield to me at this point? Let me offer a suggestion as to whether there is any better way to identify the disadvantaged child, the low income factor.

Mr. QUIE. I just want to know if he can identify them.

Dr. ANTON. One of the factors certainly is in terms of flexibility, there is a pretty close correlation between the socioeconomic level and the level of disadvantaged in educational achievement. And we think that this will be one factor that should certainly be considered.

Of course then we run into the problem that once we raise the educational level by good programs, we are in danger again as we spoke of cutting them off a year down the road unless we have a longer period of funding. We think that this entire area needs looking into and involvement by districts nationwide in coming up with an equitable suggestion that will be again fairly equal for all States.

We think that if we just focused in on say determining what would be a disadvantaged child in California, we could certainly say, well, the degree of fluency in English could be a factor. Well, this might apply to Minnesota, so we figure there should be certain sets of criteria. Then the local areas could utilize those data that would apply to them, that would identify their youngsters. For instance, in California and Los Angeles we will say that English fluency is a great indicator.

Mr. QUIE. We wouldn't have any trouble in Minnesota if you talk about English fluency, but if you add son in their name we would be in good shape in Minnesota. Are you saying it would be difficult to identify the disadvantaged or you could identify the disadvantaged?

Dr. ANTON. No, I say it would be difficult to just say there are only one or two or three ways of identification. As we have now in the formula we have——

Mr. QUIE. Do you think we ought to try some other method of identifying the way to distribute the money then, discounting the poor kids and some historical period?

Dr. ANTON. Right.

Mr. QUIE. What would you suggest would be a better way——

Dr. ANTON. Well, John, you will need to help me in this. First of all, again as I say we have—our biggest problem is the disparity in—with the Mexican-American population and our Asian population.

Certainly, the free-lunch indicator to a degree is helpful but again we get into, in the Asian community, the pride of saying—they may be hungry, but we have found instances where they would not sign for the free lunch that is available because of a pride situation, until it was explained. Then the child received the lunch.

So what we are saying is that we could use various factors that would be applicable to the Los Angeles area but not necessarily applicable say in Minnesota. And what we are saying is that collectively throughout the country, list the various ones and give them an equal distribution or equal weight factor and let the local districts tie in with those that they can readily identify as meeting their needs.

Mr. QUIE. What if we counted every child that didn't meet the national norm?

Dr. ANTON. In terms of achievement you mean?

Mr. QUIE. Yes.

Dr. ANTON. That certainly would be one. Again there is danger if our programs, and hopefully we are striving to make them supereffective, if we don't go into say a 3-year program we might be so successful that we would have people sliding in and out, based just on educational achievements. So once we identify and keep them for 3-years we should reexamine that particular group again.

Mr. QUIE. That happens now in the formula on those on welfare, if they drop off welfare then they are not counted anymore but when you see that historical census, of course, you are counting them. But I think everybody ought to be up in arms on the inequities of the thing.

We do count handicapped children in the formula distribution throughout the State.

Dr. ANTON. Right; and part of the problem too is when we have data sources such as the census, which it is agreed is pretty good, and pretty equitably distributed all over the country, but then large States such as California as indicated here, it is September 1972, and we can't get that in the working situation where we can use it to identify by target area attendance areas.

And if we go through it on a countywide basis we have how many school districts in the county, 70 some, so we could not use the countywide figures either.

Mr. QUIE. What if we change the formula and drop the determination based on poverty. My own feeling is that a family may be affluent and disadvantaged. Let's use the example if there is a divorce in the family and the child has been shunted from one person to another, the home situation is bad. That child can be just as educationally deprived from all its emotional struggle as someone else who happens to be poor. Now I know the incidence of being educationally disadvantaged is not as great among the affluent as the poor, but when you look at the child you ought to apply the compensatory education to whoever needs it, not just because their parents happen to be poor or not. So how would you feel if we just counted all of the children below the national norm and then let them stay on the roles for 3 years.

Dr. **Anton.** I think this would probably stabilize.

Mr. **Quie.** Would you support such a traumatic shift in the formula?

Dr. **Lucas.** I think there are some statistical elements to be taken into consideration. I would think, and John maybe can respond to this, there is going to be a certain percentage that no matter what you do there is going to be no effect.

Mr. **Quie.** What do you mean by that?

Dr. **Lucas.** Well in a normal distribution, I wonder if there are not children that no matter what the infusion of funds might be we are not going to see an appreciable effect in terms of pupil achievement. As long as we are thinking about accountability and being held accountable for pupil achievement, I think it would be a frustrating experience for those of us working with children in that segment of the normal distribution to say take off that part of our school population that is achieving below normal. We would have to include those, and when we are talking in terms of delivering money to those areas of the program where it is going to be most effective we might be dissipating some of the financial effort.

Mr. **Quie.** I could see substantial increases in funding if the money actually went to the kids who needed it, rather than the obsolete formula we are using now. In fact, I just don't like to see any great increase in title I under the present formula.

I think it is just increasing the disparity existing around the country. If we do straighten out the formula to make it fairly equitable I would like to see us dramatically increase the money expended in these programs.

Dr. **Anton.** As I mentioned, with the strong correlation between the socioeconomic level and achievement, it would not eliminate the poor.

Mr. **Quie.** That is all my questions.

Chairman **Perkins.** Thank you gentlemen, very much.

Dr. **Anton.** Thank you.

Chairman **Perkins.** Our next witness is Dr. Don Boney, assistant superintendent for instruction, Houston Independent School District, from Texas.

We are happy to welcome you here. Proceed in any manner you prefer.

STATEMENT OF DR. J. DON BONEY, ASSISTANT SUPERINTENDENT FOR INSTRUCTION, HOUSTON INDEPENDENT SCHOOL DISTRICT

Dr. **Boney.** Thank you, Mr. Chairman, members of the Education and Labor Committee of the House of Representatives. It is indeed a pleasure for the Houston school district to share with you a summary of its participation in ESEA.

Further, we are pleased to inform the committee of some of the problems we in Houston and other large urban centers are having in trying to provide quality education for students in the innercity.

Permit me, first, to describe some of the demographic characteristics of the Houston school district.

It is the sixth largest school district in the Nation, with a student population of some 225,000 students in 231 schools.

Its ethnic population breaks out as 47 percent Anglo, 38 percent black, and 15 percent Mexican-American.

Houston has experienced great growth in recent years, the fifties and sixties. This extraordinary growth has caused the southwestern region to become the Nation's urban frontier and Houston its center.

The influx of families expanded and created now sprawling suburbs surrounded by transitional neighborhoods.

However, this same influx of people brought to the city a new corps of citizens who are committed to face the problem and seek solutions. By 1969 both the city and the schools felt the impact of these citizens.

In the spring of 1969 a housing code was passed which enabled Houston to get grants from HUD for its model cities program.

I only mention this because we feel in Houston that comprehensive educational planning should be a part of our processes and we work very closely with HUD, Harris County communication program, in the development of educational programs.

My position in Houston Public Schools is chief instructional officer for the district, having direct reporting to the general superintendent, Dr. George G. Garver.

Let me briefly describe the history of our participation in title I. We began our first participation in September 1965, operating in a program called Focus on Achievement. The operating budget was $3,216,800, in a program that served some 20,819 students, based on the 1960 census, on 20 elementary and five secondary campuses.

The thrust of all programs in the project was to strengthen teaching and learning in culturally deprived and poverty stricken areas by individualizing instruction, flexibility of grouping, and assistance of instructional specialists.

Title I has been funded each ensuing year. Funding is still allocated on the 1960 census figures since the Texas Education Agency has not yet moved to the 1970 census figures. However, with an additional allocation made for AFDC figures, the anticipated budget for 1972–73 is $4,717,318 for some 31,000 eligible pupils.

Houston's title I is currently serving youngsters on 39 elementary and five secondary title I campuses, and eligible pupils on three paired nontitle I campuses.

Title I programs in the Houston public schools have experienced varying degrees of success. The title I reading programs that were implemented during the 1971–72 school year are beginning to achieve respectable success in the 27 title I schools involved in the developmental reading program. These are three developmental reading systems, namely, the LEIR program, the Harcourt-Brace-Jovanovich program, and the BRL program.

The programs represent controlled experimentation in developmental reading for some 20,000 title I children.

It is the largest piloting effort that the district has undertaken in its history. During the 1972–73 school year these programs are being extended to an additional 12 schools making a total of 39 schools using these developmental reading programs.

One of the major problems that the Houston district has had to deal with was to bring into proper relationship all Federal programs with regular education. Federal programs have operated pretty much historically in Houston as appendages with little or no relationship to line officers in the district or to program specialists in regular education.

The result has often been that line officers who are accountable for implementation of experimental programs have typically had little or no commitment or involvement in programs funded from Federal sources.

Additionally, there are experienced personnel in the Federal Programs Office who are charged with the responsibility for the administration and direction of Federal programs but have little or no expertise in the areas where they are providing the presumed leadership. This kind of separation of programs results in little maximizing of a school district's resources and many programs fail because of not having the proper leadership for program implementation.

The reorganization of Federal programs and regular education in the Houston Independent School District addresses this problem. Succinctly, the Federal Programs Office is responsible for the fiscal accountability with a lesser role in programmatic decisionmaking. Contrastingly the Regular Education Department is responsible for all program decisions in consultation with the Federal Programs Office. Thus the leadership in subject and academic areas in regular education is responsible for all program development, irrespective of the funding sources.

We think this is a real creative way of reorganizing our resources so that we bring to bear on our educational needs in title I schools the best expertise and the best commitment and leadership the district has.

Let me briefly speak to some of the problems we have experienced in the implementation of ESEA programs and many of them are very similar to the ones the Los Angeles panel has already presented.

A major problem HISD has experienced in the implementation of programs from ESEA is the manner in which problems are determined. In large metropolitan areas, such as Houston, there are many areas of the city where concentration of poverty is high; however, as the city expands and moves, certain small pockets of poverty remain. With the current level of funding and the necessity for identifying large concentrations of poverty, there is no possibility of funding appropriate programs to improve the educational achievement of children in other limited areas, and I am now speaking to the targeting concept.

A concrete example that may be presented to elaborate the problem in the above paragraph is the number of free lunch recipients for the school year 1972–73 as contrasted with the school year 1971–72. During the 1971–72 school year approximately 54,000 children in the Houston Independent School District applied for and received free lunch from the U.S. Department of Agriculture's program.

For the 1972–73 school year, at the completion of approximately 5 weeks of school, some 75,000 applications for free lunch have been received and it is anticipated that this number will materially increase in the next few months.

When this is considered in contrast with the number of children for whom ESEA title I funds are received, approximately 22,000, it points up with clarity the need for additional funds in order to provide appropriate educational programs for many more children than are presently being served under title I entitlement.

The concept that school districts must adhere to is one of targeting populations and saturating of those areas, leaving large numbers of children in enclaves of poverty that go virtually without compensatory programing because they are not in concentrated areas of poverty pockets. This is one of the most serious needs that the Houston District faces in trying to prioritize its funds in areas where the needs are greatest.

It is also quite obvious that there is need to more reliably identify children who come from poverty backgrounds. School districts across the Nation are using an outdated basis for the identification of students who are the potential recipients of title I programs.

The 1960 census is the current base for determining children for whom school districts receive entitlement. As a case in point, this entitlement is supplemented by funds for children who are classified as AFDC. By comparing the most recent data of children who have moved into the Houston Independent School District in the last 5 years and who are classified as AFDC, it may be seen that the increase of AFDC recipients in the Houston District is one of the largest in the Nation, with over 500 percent more AFDC children today than in 1966. This is just one of the indices which points to the large number of people classified as poor who are moving into the Houston Independent School District.

These facts further illustrate the inappropriateness of using 10-year-old census data in determining the number of children for whom the Houston District receives entitlement.

Another problem in meeting the needs of all the children who are classified as needing help is the arbitrariness the guidelines direct in the assignment of pupils as it relates to family income.

The Houston district has 70 schools in which the margin of support in terms of compensatory educational programs is minimal. The procedure of identifying the total number of children in Houston for which the district receives entitlement and targeting those areas where there is concentration of poverty permits the Houston district to serve only 39 schools.

These procedures leave thousands of children whose educational health and other developmental needs are qualitatively and quantitatively no different from those who are classified as disadvantaged in the 39 schools served by ESEA funds.

The need is intense for broadening the base of support for the education of children who live in poverty circumstances or near poverty circumstances and cannot be served because of the constraints of current guidelines.

Let me speak briefly to the comparability issue. The burden of the education of children who are disadvantaged is too great to be sustained by local resources in most if not all large urban centers.

The necessity of Federal funding on a massive scale is urgent in the large cities and in rural areas throughout the country. It is also significant to insure that Federal funds are used as they should be in compensatory education and that comparability guidelines are stringently enforced.

The Houston Independent School District feels that all Federal funds from ESEA should indeed provide compensated educational experiences above and beyond those allocations made from the local school budget. It is the belief of the Houston district that comparability insures that indeed funds from ESEA are beyond those per capita allocations that are supported by local fund assignment and every effort is made to see that comparability guidelines are followed or adhered to in the administration of ESEA programs.

Needs assessment. The Houston Independent School District conducted a sophisticated needs assessment program this past year to determine schools that should be classified as title I schools. Each classroom teacher in the target areas assessed the deficiencies cognitively and affectively, and consideration was given to health factors in determining children who should be classified as title I recipients. For the first time during the past year it is felt that we were able to validly identify those children who should be considered as title I recipients. It was our desire to serve fewer schools and thus concentrate our resources in a saturation concept. We feel that resources scattered so thinly throughout the district become attenuated and do little good in terms of reversing the downward cycle of achievement which characterizes the disadvantaged. We have placed our reading programs as the No. 1 priority. I am happy to report that we feel that at the end of our first formal evaluation we have done well in Houston since the inception of our program. This past year we have created a depth of research, services and evaluation, that are doing some excellent work in terms of monitoring our program, which is one of the main advantages of evaluation. We feel evaluation is both process and product so that evaluation should proceed with a monitoring kind of dimension in which programs are monitored, reviewed and evaluations of problems and implementation are fed back into the management system so that changes can be made as need be and this is a very important concept that we feel we are having some excellent success with.

It is far too late at the end of 9 months or 12 months or 2 years to make changes in a program if you wait for evidence and data to come in as a result of your process at the end of implementation. So it is very important that monitoring be coming in and become a part of the managing system for program implementation.

We feel that part of the success we have experienced in our reading program derives from the fact that we have on-the-spot professional development teams, specialists in the classrooms, such as curriculum coordinators, reading specialists, reading resource teachers, who can provide immediate consultation to teachers as they are experiencing problems in implementing programs.

Another very salient need we see in Houston is the need for teacher retraining or teacher training in service. Houston School District court-ordered desegregation adheres to the Singleton ratio in the assignment of its professional staff, that is, teachers at the elementary and secondary levels are assigned to schools in the direct proportion to their ethnic compositions at these levels in the school district at the time of the court order.

At the elementary level the ethnic ratio is 35-percent black and 65-percent Anglo teachers. A similar proportion of black to white teachers obtains at the secondary level. Needless to say, Houston has experienced considerable cultural shock in this crossover concept.

While the district made some efforts to prepare teachers for crossover assignments in projects funded under title 45, most of the needs of teachers were minimally met. Certainly their university and college preparation did little to ready them for cross-cultural assignments.

The area of staff retraining is the most problematic of all others in providing quality education for inner-city students. The evidence of this frustration is manifested in school districts over the country resorting to concepts like performance contracting and the voucher plan as a means of meeting the needs of disadvantaged students.

If we are to experience any success with educational intervention with students from poverty backgrounds, it will occur by way of the substantive retraining of teachers to work with this population. Permit me to elaborate this concept. Much of the staff retraining of teachers for working with disadvantaged students relates to what may be termed human relations training, or the training of teachers to improve their interpersonal competence with students who are disadvantaged. Emphasis in this training has been the sociology of poverty, or a better understanding of one's own fears and anxieties concerning working with this population. Certainly this type of emphasis has a viable place in the retraining of teachers, however, it should be only one aspect of the staff development process.

Another equally important dimension is the providing of teachers with those instructional strategies which will tend to make them work best with this type of learner. The disadvantaged learner has developed cognitively different from his more advantaged counterpart because of the experiences he has had. Therefore, teachers need to be retrained in instructional strategies in order for intervention to be effective.

Title I funds should be made available for school districts' retraining efforts. We have been permitted to use title I funds for orientation of teachers and some consulting support services; however, little has been done in areas such as mathematics, reading, instructional media, and individualization of instruction in a sustained way.

We have in the past tended to resort to commercial gimmickry to resolve problems of educating the disadvantaged. I have seen instances where equipment has been purchased and not used because teachers knew little about how to integrate it into meaningful learning experiences for children.

We must recognize that the greatest potential for change is the human potential, and in system change, this potential should be accented. Large school districts which have the retraining resources should be funded to develop Teacher Development Centers that focus directly on the programs the school districts are implementing.

As I mentioned earlier, the Houston Public School District has a very infant department of research and evaluation, less than a year old. The activities of that department in reviewing, monitoring, and evaluating our programs have proved it can be a viable means of providing data for decisionmaking and this is the major goal of the research and evaluation division.

We have some very strong feelings that research and evaluation should be a part of the whole decisionmaking process as it relates to title I programs and all other programs that are in the mosaic of the educational institutions.

Funds are needed, more succinctly put, to implement research designs and programs that are explicitly stated to yield relevant information to the educational decisionmaker;

And two, to implement educational and curriculum research systems which include monitoring in the classrooms, having people available to observe the degree to which teachers are following the design procedures in the implementation of programs; and,

Three, to provide a collection of data for those independent of program effort or supervisory involvement;

Four, to provide for systems of input of process, formative, and summative data in order that such data can be translated into organizational action through decisions;

Five, to provide for an adequate staff to increase the speed with which research findings and analyses can be reported to decisionmakers; and

Six, to provide the staff to broaden the scope of research activities.

We feel that any reliance on any regional or State or national assessment device for determining the degree of success of ESEA programs only in part is able to make a viable and valid assessment. If these programs can be assessed legitimately, they can be best assessed by the local education agency.

As you are aware, there is no categorical funding at this time under ESEA for evaluation and research. It is rather lumped into the area that is classified as personnel or into the administrative category of the budget and all research activities have to be gleaned from that area and at times affecting greatly the resources available for programs.

We feel very strongly in Houston that the ESEA programs have catalyzed a number of other programs in the district at large and that this has been one of its most valuable contributions. For example, as a result of our title I Physical Education and Motor Skills Development, our Mini Gym program has been extended to almost all 170 elementary schools and is being conducted by parents in our VIPS program, Volunteers in Public Schools, which received the McCann award several years ago as one of the outstanding programs in the Nation of parent involvement.

These programs of Mini Gym and Motor Skill involvement are being handled by parents themselves throughout the school district. We feel that our title I programs in library services have turned our district away from the role, the old traditional role of the librarian as a dispenser of materials, to the library as a media center for learning and the librarian as a media instructional expert.

We feel that our corrective reading teachers on Title I campuses have evolved a concept in Houston of a reading resource teacher, thus enabling more children to be served.

We feel that our volunteers program, the emphasis and the impetus for that grew out of our parent volunteer program in our title I schools.

We feel that the whole concept of paraprofessionals was probably developed and promulgated by way of the title I paraprofessionals involvement in our schools.

We feel that the cluster concept for our title I schools where we have Project 21, which is a program for Mexican-American children who have English or non-standard English speaking backgrounds, we feel that this concept which is fully funded at this time by our local budget grew out of our earlier work with the concept in our title I schools. This is true of our health program in some ways, it is certainly true of our teachers strategies program that grew out of a Ryan School project that was funded by title I.

By way of summary, we feel that ESEA should be retained and extended to provide a broad base of support for the education of children from disadvantaged backgrounds and that other Federal legislation should be complimentary to ESEA.

We feel that a stronger emphasis is needed in staff retraining. Although staff development is permissible under the current legislation, there should be categorical allocation for staff retraining which focuses on preparing teachers to work with innercity and rural children. The greatest need public education has at this time is the training of teachers in this area, and I am not speaking here of university based retraining efforts, but conducted by the local education agency.

We feel that the current ESEA guidelines should permit the use of 1970 census data in establishing the number of students for which a school district receives entitlements. We feel there should be a great emphasis in ESEA on research and evaluation of title I programs.

Currently, in any research, research allocations must come from the budget approved for the administration of programs and this as a result limits the quality and capability of research efforts.

We feel that there is a need for leadtime for the judicious planning of programs to meet the educational needs of school districts. The result is that programs are hastily put together without careful thought to the needs of the recipients.

We feel that funding of programs by ESEA should be sustained long enough to see if interventions make a difference in the educational deficits of children. Year-to-year approaches are ineffective and increase the expectations of recipients in unreal ways.

We feel that comparability guidelines should be maintained in order to insure that compensatory funds for education do not supplant local efforts.

We feel that we are very fortunate in Houston to have had the ESEA funds. We feel that they have been, as I say, varied in terms of the success that they have had.

We feel that we are resolving some real problems in our reading programs.

We would not like to leave the notion that we have glowing results, but an indication of their effectiveness in 5 months of instruction last year. They were implemented about November of last year, in the first grade, and all children in all three programs made 9 months growth in 5 months.

In the sixth grade, which is probably even more meaningful, in those programs that were classified as highly implemented programs, children made 8 months gain in 5 months. We are looking with very keen attention to their evaluation this year. We are, as I mentioned earlier, feeding into the management system the day-to-day, certainly week-to-week assessments by program monitors of the kinds of problems that teachers are experiencing. We believe that this concept alone has been responsible for the success that we have achieved.

We thank you, Mr. Chairman, for this opportunity to appear before the committee to share some of our concerns and some of our proposals.

Thank you.

Chairman **Perkins**. Let me compliment you on a great statement. I know you enumerated a great list of accomplishments, worthy programs under title I. It has been suggested that we limit the expenditures of title I to math and reading. What would be your reaction to that?

Dr. **Boney**. I think that is a very narrow constraint. For example, this year, the board of education allocated $250,000 for clothing for title I children. This money is not being administered by the district but by one of the welfare agencies in the city. I think it is apparent that these children need many things.

Certainly, they need to develop educationally. But a part of that, they are developing educationally, is some of the other more basic needs, the need for food, health services, the need for eye care, the need for—we think in Houston—shoes, to go to school. So that any kind of rigid constraining that precludes the use of funds to address needs, broad needs, as well as educational needs, I think is shortsighted.

Chairman **Perkins**. Let me ask you another question. What percentage of your needy youngsters, title I youngsters that are qualified are you presently serving in Houston?

Dr. **Boney**. About 40 percent, sir. We have 39 schools, an increase of 12 schools from last year. Our assessment is that we have about 70 schools that really need the help.

Chairman **Perkins**. What do you consider the greatest need from the standpoint of the Congress, insofar as improving quality education, elementary, secondary education in your school system?

Dr. **Boney**. I think the greatest need is for children to have in terms of whatever capacities they do have some real achievement in reading. I think much of our dropout rates can be attributed to the lack of children to be able to cope with the demands of the school.

Reading is so pervasive as a demand. We know, for example, by research, if a child can't read by the third-grade level with some adequacy, he either drops out later, or continues in a very demeaned way, and self-concept is badly damaged, and so on.

So, I think that the No. 1 emphasis should be in reading in terms of cognitive development of these children.

Chairman **Perkins**. Do you have an adequate number of remedial reading teachers or assuming that you had the funds, could they be trained in time?

Dr. **Boney**. I think they can be trained and I think this is the model that school districts are more and more finding themselves having to move toward. Universities have not kept pace with the needs that districts have, particularly when they are undergoing great changes. And large school districts with training resources should, and must assume a lot of the retraining responsibilities.

So yes, I think we could train our people to take on positions as resource teachers and specialists and so on.

Chairman **Perkins**. Now, from the standpoint of Congress taking action to improve quality education for the disadvantaged schoolchild at the elementary, secondary level, in what direction should the Congress go, in your judgment?

Dr. **Boney**. I think there ought to be a very strong emphasis in the early childhood, prekindergarten kinds of programs. I think we all know that when we try to reverse cultural deprivation as it relates to education, and we make the intervention later in the child's life, our chances of succeeding are very minimal.

I think the emphasis has to be at the early, preschool levels, at the elementary levels, and that they have to take the format of substantive kinds of programing, in one sense, broad-based kinds of programs that look at health needs, and all of the other kinds, but also sustained programs that look at cognitive and academic development of children.

Then I think the teachers, the retraining of teachers is most important because I feel that most of our retraining efforts for teachers have just been very surface. I am really talking to a whole new concept where the local school districts assume the major responsibility for retraining of teachers and that retraining should be in areas which the district identifies as instructional priorities.

Chairman Perkins. Do you feel there is any further financial assistance required from the Federal level to do the necessary job in that connection?

Dr. Boney. Yes, I don't think the job can be done without it. We in Houston are experiencing the early beginnings of the financial crisis that other districts, eastern districts and western districts are experiencing. We feel the financial pinch right now although our per capita allocation per child is about $622, which is considerably less than other school districts around the country. It is even less than school districts in our county, suburban school districts.

And we just simply can't do the job with the resources that we have, so we certainly do need massive kinds of——

Chairman Perkins. Well, to do this job from the standpoint of quality education at the elementary, secondary level, should we go in the direction of general aid on top of the present elementary, secondary education program, or should we fully fund the authorization for title I? Which direction should we, the Congress, go, in your judgment?

Dr. Boney. Well, I think that the full funding of title I. I think title I has the flexibility to meet the educational needs of children if it were fully funded. I think any other kinds of funding should be complementary to title I.

I think, again, we are pretty much familiar, and comfortable with what title I has done, and see its potential for what it can do. What is needed is more title I, I guess is what I'm saying.

Chairman Perkins. Let me thank you very much for an outstanding statement, you have been very helpful to the committee.

Dr. Boney. My pleasure, sir.

Chairman Perkins. Thank you.

We have with us this morning one of our colleagues, Congressman Mitchell, from Baltimore, Md. Congressman Mitchell is one of our outstanding Members in this Congress and has always been very much interested in improving the educational systems of the country and improving the general welfare of all people.

And I understand, Congressman Mitchell, that you have some people here from Baltimore and we would be delighted for you to introduce them.

I understand further that they are going to testify here next week, and we hope you will come back with them, if you possibly can, and introduce them again at that time. Go ahead, Mr. Mitchell.

Mr. MITCHELL. Thank you very much, Mr. Chairman, for letting me drop in. Let me first of all thank you for having these hearings.

In my own home district and in the city of Baltimore, we are planning for hearings on this very same subject in early spring. And I would certainly elicit your support for participation in our hearings in the district to make sure it is moving smoothly.

Point No. 2, my brother Clarence is not with me today and I certainly would be remiss if I didn't say what Clarence would ordinarily say if he were here, and that is there is no doubt but that you have been one of the most stanch advocates for poor people, for minorities, one of the really sound members of the Congress who lets humanitarianism cover every aspect of his work here on the Hill.

I can't say it as eloquently as Clarence says it, but that is a poor substitute.

Chairman PERKINS. To my personal knowledge Clarence has done a great job around here for the past 24 years, and he was here long before I came.

Mr. MITCHELL. I do want to take this opportunity to mention some of the people who are here today and those who will be testifying a little later on.

Attorney Larry Gibson is the next to testify. Although he is listed as being with the University of Virginia and as an executive committee member of the Council of Great City Schools, Mr. Gibson has been one of the outstanding attorneys in the city of Baltimore. He serves on our school board, he has provided a very dynamic leadership in our community and when I learned he would be here, I certainly wanted to be here to welcome him. We want to get him back from the University of Virginia where he is teaching law, we want to get him back on a full-time basis in Baltimore City because we need him.

In addition, we have Dr. Ronald Watts, who is with the Maryland State Department of Education. Here again, Dr. Watts is typical of that breed of young men dedicated to serving their community and doing a simply magnificant job.

Next week Mr. Forrest Lawton will be testifying. But there is one other person who is here that I want to mention and that is Mr. Clarence Gittings, who has long been associated with the Baltimore City public schools, who has provided just tremendous leadership in that area, who is a very wonderful person and he is my brother-in-law. So all the more reason why I wanted to be here to welcome not only Clarence, but all of the people who are here today.

Mr. Chairman, I thank you for this opportunity. I assure you that this tremendous reservoir of talent that we have in Baltimore will give excellent testimony.

Chairman PERKINS. Thank you very much. We appreciate your appearance.

Our next witness is Mr. Gibson, professor of law, University of Virginia, member of the Executive Committee of the Council of Great City Schools.

As I understand, the others will testify next week.

First, let me ask permission to insert in the record a statement from the National Assessment of Educational Progress, submitted by Mr. Quie. If there is no objection, it is ordered to be inserted in the record at this point.

(The information follows:)

NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS, DEVIATIONS FROM NATIONAL AVERAGE

SUBJECT: SCIENCE, 1969–70

Age	National average	Region								Sex			
		Northeast		Southeast		Central		West		Male		Female	
		Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	68.3	2.3	71.6	−5.0	60.9	1.6	71.3	−0	67.4	.9	70.1	−0.9	67.5
13	58.4	2.0	62.2	−4.7	49.6	1.9	60.3	−.5	57.5	1.5	60.8	−1.4	56.1
17	47.1	2.6	49.1	−4.9	39.9	−0	47.7	1.7	48.6	2.8	51.2	−2.3	44.6
Average	51.3	.6	53.6	−4.9	42.7	.7	51.8	2.4	54.2	5.3	57.9	−4.7	45.8

Age	Color						Parent's education									
	White		Black		Other		No high school		Some high school		Graduated high school		Post high school		Unknown	
	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	3.1	72.7	−14.5	47.7	−10.3	52.6	−7.2	55.2	−4.8	60.0	0.6	69.4	5.8	76.7	−4.5	61.1
13	3.2	62.6	−15.0	37.1	−9.8	45.0	−11.8	44.0	−6.1	46.9	−1.3	55.4	5.2	66.6	−7.7	47.0
17	2.1	48.9	−11.8	29.7	−6.8	37.2	−8.4	35.0	−7.6	35.3	.1	48.8	5.1	52.2	−9.1	33.0
Average	2.7	54.4	−15.8	29.2	−10.8	43.4	−7.9	41.9	−1.6	46.1	3.0	55.2	9.1	64.0	−16.8	30.3

Age	Size and type of community													
	Rural		Inner city		Affluent suburbs		Inner fringe		Urban fringe		Medium city		Small place	
	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	−6.3	57.8	−15.1	44.4	7.3	78.5	−2.6	64.2	2.7	71.4	0.8	69.0	0.9	68.7
13	−6.1	47.5	−13.7	39.1	6.3	67.4	−3.8	52.7	2.9	62.6	1.9	61.8	.5	56.8
17	−3.5	37.3	−7.3	35.6	5.1	57.2	.3	47.1	1.0	46.8	1.3	47.8	−1.4	44.1
Average	−4.7	45.2	−10.2	34.5	10.9	64.8	−2.9	48.6	.8	51.5	.3	52.4	−2.7	46.7

NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS, DEVIATIONS FROM NATIONAL AVERAGE

SUBJECT: CITIZENSHIP, 1969-70

Age	National average	Region								Sex			
		Northeast		Southeast		Central		West		Male		Female	
		Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	57.9	0.9	58.9	−1.8	55.6	−0.1	57.2	0.2	58.0	−0	57.5	0	58.2
13	60.1	2.0	63.7	−3.0	55.4	.9	61.1	−.2	58.7	.3	59.8	−.3	59.0
17	59.3	2.2	61.3	−5.9	49.1	.8	60.6	2.1	63.4	.4	60.9	−.4	58.7
Average	57.8	.9	61.0	−4.9	49.1	.9	60.3	1.8	58.9	1.4	61.3	−1.3	54.7

Age	Color						Parent's education									
	White		Black		Other		No high school		Some high school		Graduated high school		Post high school		Unknown	
	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	1.5	59.4	−6.7	46.6	−8.1	45.8	−5.5	45.5	−2.4	53.3	0.3	59.7	4.0	63.7	−5.4	49.5
13	1.5	62.3	−6.5	49.0	−8.1	45.9	−7.6	47.3	−5.2	50.8	−.9	59.2	3.6	64.1	−5.0	50.1
17	1.8	62.5	−10.2	40.9	−6.1	47.7	−8.5	43.5	−8.1	44.9	.5	61.6	5.2	67.8	−8.8	40.6
Average	1.4	59.9	−7.8	41.5	−6.3	46.6	−6.0	47.3	−.7	56.3	2.1	62.1	6.8	69.2	−13.1	36.0

Age	Size and type of community													
	Rural		Inner city		Affluent suburbs		Inner fringe		Urban fringe		Medium city		Small place	
	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	−4.2	46.6	−6.1	46.5	4.2	60.7	−0.4	55.0	0.6	54.9	1.4	58.7	0.2	56.6
13	−3.6	52.6	−5.5	47.3	4.1	64.7	0	59.7	.7	61.6	.6	60.8	−.2	60.5
17	−4.4	50.8	−5.4	52.0	4.8	66.8	.1	57.6	2.4	63.5	1.2	61.6	−2.4	55.9
Average	−3.1	52.7	−5.0	47.7	7.9	70.4	−1.4	55.5	.2	59.5	−1.0	56.5	−2.3	53.4

SUBJECT: WRITING 1969-70

Age	National average	Region								Sex			
		Northeast		Southeast		Central		West		Male		Female	
		Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	51.7	3.4	55.1	−3.8	45.5	1.0	51.9	−1.2	47.7	−4.3	43.8	4.4	56.5
13	73.9	.9	78.1	−4.5	71.5	2.0	76.7	−.2	73.1	−3.7	68.4	3.3	79.0
17	74.0	1.2	75.0	−8.1	63.8	.1	72.2	6.3	82.4	−1.4	73.2	1.2	71.7
Average	60.9	1.8	62.9	−2.2	53.6	.9	63.2	−1.5	59.6	−.9	54.6	.8	67.5

Age	Color						Parent's education									
	White		Black		Other		No high school		Some high school		Graduated high school		Post high school		Unknown	
	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	3.1	55.5	−15.2	34.1	−13.8	34.1	−10.1	41.1	−4.7	46.0	1.3	53.0	6.7	59.8	−5.2	44.8
13	2.6	79.3	−11.6	58.7	−8.1	56.2	−11.2	51.9	−5.1	69.9	−.9	74.3	3.9	79.9	−6.4	66.6
17	2.7	77.1	−17.4	54.9	−7.8	61.4	−13.7	48.0	−13.8	55.3	3.7	81.6	6.2	80.9	−14.8	60.6
Average	2.5	63.3	−12.4	44.6	−11.8	52.5	−5.2	54.5	−.3	62.7	3.6	64.0	5.8	69.5	−16.5	44.0

Age	Size and type of community													
	Rural		Inner city		Affluent suburbs		Inner fringe		Urban fringe		Medium city		Small place	
	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	−6.2	42.9	−16.2	33.2	6.8	60.1	−2.6	44.1	2.6	55.3	1.5	53.1	0.1	52.0
13	−5.1	67.0	−8.6	59.0	3.5	77.9	−.7	75.2	1.7	79.4	1.8	76.0	−.5	75.8
17	2.1	69.8	−2.4	63.8	2.2	70.5	1.3	78.2	1.1	73.7	−1.7	72.1	−.3	73.8
Average	−3.4	55.7	−4.6	45.7	8.0	73.6	−8.3	49.0	1.8	63.5	0	60.1	0	61.2

NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS, DEVIATIONS FROM NATIONAL AVERAGE

S''BJECT: READING, 1970-71

Age	National average	Region								Sex			
		Northeast		Southeast		Central		West		Male		Female	
		Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	72.5	2.2	76.1	−5.3	65.6	2.9	75.7	−1.0	70.3	−2.2	69.1	2.3	75.5
13	74.3	2.1	76.1	−4.6	67.6	2.2	77.7	−.0	74.4	−2.3	71.4	2.2	76.8
17IS	82.6	1.3	84.6	−3.8	76.9	1.5	83.7	−.3	81.3	−1.6	80.8	1.6	84.5
17	82.6	1.2	83.2	−4.5	75.8	1.8	84.8	−.1	81.5	−1.8	79.8	1.8	84.4
Average	82.8	1.1	84.3	−7.8	74.4	1.6	83.9	2.1	84.7	.1	83.0	−.1	82.1

Age	Color						Parent's education									
	White		Black		Other		No high school		Some high school		Graduated high school		Post high school		Unknown	
	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	2.8	75.4	−15.9	53.5	−7.8	60.4	−9.0	59.5	−5.2	64.7	0.8	73.5	6.7	80.0	−4.7	67.5
13	2.6	77.7	−15.0	53.9	−3.2	69.1	−11.7	58.4	−4.3	68.0	.8	75.4	6.6	82.7	−9.8	60.3
17IS	2.0	84.7	−15.4	64.6	−3.6	77.2	−9.6	69.8	−4.4	77.3	−.1	82.4	4.6	87.8	−8.3	71.6
17	2.1	85.0	−15.9	63.6	−3.6	76.8	−10.5	69.7	−4.6	76.8	−0	82.4	5.0	88.0	−8.3	71.0
Average	2.3	85.1	−18.4	63.1	−4.5	74.6	−6.6	74.8	−0	83.0	2.5	86.1	7.6	90.1	−16.4	64.4

Age	Size and type of community													
	Rural		Inner city		Affluent suburbs		Inner fringe		Urban fringe		Medium city		Small place	
	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	−4.2	66.5	−14.2	56.5	7.9	81.8	1.3	74.8	2.3	76.1	−0.1	71.3	−0.2	71.5
13	−3.8	68.4	−7.4	61.5	5.3	81.3	−.7	72.8	2.2	77.8	.3	74.5	−.6	73.3
17IS	−2.1	78.9	−7.2	73.5	5.1	88.1	1.3	84.2	1.2	84.1	.9	83.6	−1.3	80.7

SUBJECT: LITERATURE, 1970-71

Age	National average	Region								Sex			
		Northeast		Southeast		Central		West		Male		Female	
		Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	35.0	0.3	32.9	−1.8	30.1	1.4	36.2	−0.5	35.4	−0.3	34.1	0.4	35.6
13	51.0	.6	52.1	−1.8	47.0	.1	51.2	1.3	51.0	−1.4	47.4	1.3	51.6
17IS	48.4	.5	46.3	−1.3	46.2	.1	49.1	0	45.1	−1.0	47.6	1.0	48.2
17	45.8	.5	44.3	−1.6	44.1	.2	48.1	.2	45.1	−.9	45.9	.9	47.3
Average	37.9	1.2	41.1	−5.2	29.7	−.5	38.2	1.8	45.2	−.2	36.4	.2	40.2

Age	Color						Parent's education									
	White		Black		Other		No high school		Some high school		Graduated high school		Post high school		Unknown	
	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	1.3	36.1	−7.5	23.9	−6.2	26.3	−4.7	25.2	−2.4	31.4	0.3	35.9	4.3	39.5	−3.6	29.3
13	1.4	53.5	−7.3	39.4	−0.6	48.5	−6.6	40.8	−2.3	45.9	−.2	50.7	4.8	59.3	−7.9	39.1
17IS	.7	47.9	−5.6	38.7	−3.0	40.1	−6.9	37.1	−2.4	42.5	−.5	44.5	4.0	53.6	−6.1	36.3
17	.8	46.5	−5.8	37.7	−1.7	36.9	−7.4	33.5	−2.9	39.3	−.5	44.2	4.4	52.9	−6.3	35.9
Average	1.0	38.7	−8.3	26.6	−1.9	39.6	−6.1	29.2	−1.0	36.7	.9	37.9	8.1	51.4	−9.8	20.1

Age	Size and type of community													
	Rural		Inner city		Affluent suburbs		Inner fringe		Urban fringe		Medium city		Small place	
	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average	Deviation	Average
9	−1.8	30.4	−6.3	23.7	4.4	37.7	−0.4	34.6	0.9	36.5	−0.5	34.0	0.2	34.6
13	−1.1	47.6	−3.4	45.4	3.8	55.7	−.6	47.2	.8	49.4	0	51.0	−.5	50.3
17IS	−1.0	43.7	−3.0	41.2	3.1	48.9	−.6	44.1	.2	48.0	.3	47.8	−.3	46.9

Chairman PERKINS. Go ahead.

STATEMENT OF LARRY GIBSON, PROFESSOR OF LAW, UNIVERSITY OF VIRGINIA; MEMBER, EXECUTIVE COMMITTEE OF THE COUNCIL OF GREAT CITY SCHOOLS

Mr. GIBSON. Mr. Chairman, I first wish to thank Congressman Mitchell for his introduction. He always has a way of making a person feel very good.

As has been indicated, although I am a member of the Board of Education of Baltimore City, I address you today as a member of the executive committee of the Council of Great City Schools.

Chairman PERKINS. You have been before this committee before, haven't you?

Mr. GIBSON. I have never been here as a spokesman of the organization, but I have addressed this committee on behalf of the Baltimore City school system.

The Council of Great City Schools which frequently appears before this committee, as you know, is a membership organization consisting of 23 of the largest city school systems in our country.

Its board of directors consists of the superintendent and one member of the school board of each of its 23 school districts. This organization has as its purpose the improvement of education in the large city schools through studies and programs in curriculum and instruction, equal educational opportunities, management and legislation.

The council policy has consistently, of course, endorsed the Elementary and Secondary Education Act. In fact, we consider it the hallmark of Federal legislation in terms of support to education. We, of course, are most interested in title I because we believe that that is the section of the legislation which provides the greatest support to the needs of the city.

Now, you have had several speakers come before you and I have read all of the testimony of yesterday, and heard most of the testimony of today, and rather than be redundant——

Chairman PERKINS. Go right ahead.

Mr. GIBSON. I have prepared a statement which has been submitted and we would like introduced into the record.

Chairman PERKINS. Without objection, it will be inserted in the record at this point.

(The statement referred to follows:)

PREPARED STATEMENT OF LARRY GIBSON, EXECUTIVE COMMITTEE MEMBER OF THE COUNCIL OF THE GREAT CITY SCHOOLS, AND MEMBER, BOARD OF EDUCATION, BALTIMORE, MD.

The Council of the Great City Schools is a membership organization composed of twenty-three of the nation's largest city school systems. The organization has as its purpose the improvement of education in the large city school systems through studies and programs in curriculum and instruction, equal educational opportunities, management, and legislation. The schools of the Council provide educational services to 11% of the nation's children and to 30% of its poor children. In addition, the systems provide programs to 27% the Spanish-surnamed pupils in this country.

The Elementary and Secondary Education Act is recognized by Council policy as a hallmark of federal legislation. ESEA was the major breakthrough in bringing resources as the national level to the nation's educational problems at the local level: the education of the disadvantaged, the provision of adequate resource materials; experimentation in innovative program development; long-range planning and evaluation; and the strengthening of state leadership. Since 1965, this legislation has made increasing inroads in the areas mentioned above, as well as on other important issues such as the handicapped, the bilingual, and the dropout. However, it provides the greatest assistance to the large cities in the most critical of need areas. Title I of ESEA is of most importance to the Council's cities.

TIMING AND FUNDING—TITLE I

Today, as in 1968–69, the debate over the Title I formula continues. But the basis for allocating compensatory education funds, should now overshadow the fact that the critical issue in Title I is timely and adequate funding. Only since the reenactment of ESEA has the Congress passed an Appropriations Bill which was then signed promptly by the President. That occasion was in Fiscal Year 1972. But even though the appropriations were the earliest since 1968, the states and localities did not receive their allocations until almost January. The problem of late funding in the Congress and delay in allocation "downtown" continues to place extreme administrative and program hardships on local districts and severely limits the effects of the programs on children. The continuing approach solution to funding is not a satisfactory answer to city school district Title I planning and operation problems. This year as in previous years, we find a situation where city Title I administrators are either continuing Title I programs at last year's rate, hoping that funding eventually will match last year's level or are cutting back programs hoping that additional services can be added when appropriations are finally made. If per chance, a district does get a "windfall" of Title I funds because of increased city AFDC count within state, the district is hard pressed to expend the monies wisely by June 30th. In addition, school districts are reluctant to spend their Title I monies in innovative fashions when such programs face such an uncertain future.

Between 1968 and 1972, the allocation of Title I for local educational agencies increased by only $175 million dollars, not the additional 2.0 billion dollars to fully fund this Title. The low level of funding of Title I has also contributed indirectly to the financial burdens of the districts. In spite of many millage defeats, a surprising number of our school districts have continued to increase their local educational expenditures since 1966. It is true that much of that increase has been in teachers' salaries and the hiring of additional professional and paraprofessional staff; but it is also fairly well established that competitive salaries are needed to attract promising new teachers and that the participation of parents and other community persons in Title I programs increase their effectiveness. In any case, the potential effect of the continued low-level of Title I funding can be demonstrated by the following data:

	Revenue receipts, fiscal year 1966	Revenue receipts, fiscal year 1972	Percent increase in revenue receipts, 1966–72	Title I allotment, 1966	Title I expected or increase in revenue receipts	Actual title I allotment, 1972	Burden to schools
Atlanta	$42, 667	$87, 217	104. 4	$2, 300	$4, 701	$2, 991	$1, 710, 000
Buffalo	38, 392	76, 142	98. 3	5, 292	10, 495	6, 883	3, 612, 465
Chicago	384, 203	712, 523	85. 4	31, 224	57, 906	35, 579	22, 327, 000
Dallas	77, 920	106, 630	36. 8	2, 802	3, 834	3, 640	194, 397
Denver	42, 427	116, 404	174. 4	2, 528	6, 935	3, 210	3, 725, 897
Houston	75, 199	166, 748	121. 7	4, 060	9, 002	4, 717	4, 285, 725
Memphis	34, 230	89, 196	160. 5	2, 986	7, 780	3, 630	4, 150, 859
Milwaukee	75, 556	127, 669	68. 9	2, 868	4, 846	4, 139	707, 117
Minneapolis	42, 374	71, 888	69. 6	2, 482	4, 210	3, 387	823, 738
Pittsburgh	34, 708	92, 988	167. 9	4, 043	10, 831	5, 201	5, 630, 803
St. Louis	64, 894	75, 909	16. 9	5, 191	6, 072	5, 437	635, 068
San Diego	61, 816	123, 071	99. 1	2, 602	5, 180	2, 990	2, 190, 374
San Francisco	69, 750	115, 997	66. 3	3, 466	5, 764	4, 732	1, 031, 062

Attached to this testimony as Appendix A is a report compiled by The Council last spring on the budget situation of our member districts. One can see that where Chicago was faced with a 60 million deficit last spring, it was also faced with assuming $22 million of costs in Title I. In Philadelphia there was a projected $2.8 million deficit and a $3.6 million potential absorption of Title I funding. In St. Louis the schools faced a $3 million deficit with a $.635 million deficit to hold Title I services at the same level. Therefore while most parents and professionals in big city districts have welcomed Title I as the most stimulating and widely effective addition to school improvement in the last two decades. the lack of substantial increase in Congressional support of Title I may prohibit the improvements from reaching but only a few students. Inadequate funding of Title I coupled with local education revenue raising problems will continue to diminish Title I results unless the Congress acts on both of these areas promptly.

FEDERAL AID TO LARGE CITIES

In May 1971, the Council's Board of Directors, the Superintendents and one Board Member from each of the cities met with Secretary Richardson and Commissioner Marland to plead for financial assistance. What The Council got was rhetoric how the Administration couldn't do anything this year. A year ago, Mark Shedd and Bob Blanchard, Superintendents from Philadelphia and Portland, Oregon made dramatic pleas for Congressional help before the Senate-Select SubCommittee on Equal Educational Opportunities.

Continued Congressional and Administration inaction to relieve some large cities of almost impossible financial crises creates a situation that requires Washington to act now.

The concern of state and federal government and their legislative bodies regarding school finance reform has increased perceptibly since the Serrano case in California. San Antonio vs. Rodriguez, a Serrano type case, will be heard by the Supreme Court on October 12. For that reason we suppose that much of the recent proposed federal legislation has been directed at equalizing per pupil expenditures within states and to providing the states with some funds to carry out such equalization. If federal funds are used to equalize within states the federal dollars might end up alleviating a problem that the state could have solved with their own untapped revenue sources. Ironically and perhaps tragically the cities, generally the hardest hit and most in need of assistance, would have to pay the states' share of the bills because of the high assessed valuation of real property in urban centers.

It is clear that the direction of federal education legislation over the past decade has been properly focused on the special problems and concerns, national problems, such as the education of the physically handicapped and the academically disadvantaged in the communities with the greatest concentrations of such children. The Council would like to submit as Appendix B to this testimony and for the record an amicus curiae brief submitted by The Council and several urban interest organizations. The brief notes that not only are state finance systems unfair in that they are based on local wealth factors, but that the state systems hardly recognize the higher municipal costs and overburden that cut deeply into the ability of city school systems, to support education.

SOME NOTES ON FORMULA

Even though the Council feels that the use of AFDC count has reflected somewhat the shifts of low income poor children from the rural to the more urbanized locales, the Council also feels that tying the AFDC factor to a census base that does not change until ten years has elapsed will not assist school districts to meet the educational needs of children in the metropolitan areas.

The 1970 census shows that most states have had substantial decreases in the number of low-income families with $2,000 or less. This decrease is still substantial even when the low-income factor is raised to $4,000. The following tables show a comparison of census data from the 1959 and 1970 surveys regarding low-income families 0—4,000 and 0–2,000 by state.

PERCENTAGE CHANGE IN NUMBER OF LOW-INCOME FAMILIES—$2,000 OR LESS

	1959, number of families $2,000 or less	1970, number of families $2,000 or less	Percentage
Alabama	209, 831	99, 957	52. 4
Alaska	4, 186	2, 983	28. 7
Arizona	40, 087	26, 613	56. 4
Arkansas	146, 680	63, 935	56. 4
California	317, 933	227, 580	25. 3
Colorado	42, 087	26, 700	36. 6
Connecticut	35, 959	23, 743	34. 0
Delaware	10, 372	6, 081	41. 4
Florida	209, 960	128, 207	38. 4
Georgia	213, 977	103, 043	34. 0
Hawaii	9, 205	7, 048	23. 4
Idaho	19, 118	10, 631	44. 4
Illinois	233, 565	119, 724	47. 7
Indiana	126, 472	56, 230	55. 5
Iowa	108, 492	36, 350	64. 5
Kansas	73, 192	32, 858	55. 1
Kentucky	195, 985	92, 145	53. 0
Louisiana	177, 178	102, 631	48. 1
Maine	28, 412	12, 700	55. 3
Maryland	66, 628	41, 222	38. 1
Massachusetts	85, 976	46, 739	45. 6
Michigan	183, 000	91, 682	49. 9
Minnesota	106, 912	43, 353	59. 5
Mississippi	188, 724	88, 715	53. 0
Missouri	193, 543	80, 071	58. 6
Montana	18, 890	9, 417	50. 1
Nebraksa	53, 846	21, 801	59. 5
Nevada	5, 504	4, 855	3. 9
New Hampshire	12, 122	2, 780	77. 1
New Jersey	103, 311	62, 026	40. 0
New Mexico	33, 708	23, 095	31. 5
New York	334, 741	214, 498	35. 9
North Carolina	261, 168	114, 558	56. 1
North Dakota	25, 179	9, 616	61. 8
Ohio	231, 759	119, 195	48. 6
Oklahoma	121, 245	54, 272	55. 2
Oregon	45, 208	26, 481	41. 4
Pennyslvania	274, 591	129, 961	52. 7
Rhode Island	20, 941	11, 422	45. 5
South Carolina	143, 410	63, 778	55. 5
South Dakota	34, 968	63, 778	62. 4
Tennessee	226, 925	107, 035	52. 8
Texas	430, 852	211, 010	51. 0
Utah	17, 211	11, 978	30. 4
Vermont	11, 372	4, 892	57. 0
Virginia	116, 112	76, 349	34. 2
Washington	62, 669	36, 514	41. 8
West Virginia	100, 889	46, 479	53. 9
Wisconsin	98, 985	45, 480	54. 1
Wyoming	7, 477	4, 159	44. 4
District of Columbia			

PERCENTAGE CHANGE IN NUMBER OF LOW-INCOME FAMILIES—$4,000 OR LESS

	1959, number of families $4,000 or less	1970, number of families $4,000 or less	Percentage (decrease of 1959)
Alabama	228, 959	225, 912	1. 3
Alaska	9, 915	6, 934	30. 1
Arizona	96, 994	69, 144	28. 7
Arkansas	273, 212	155, 025	43. 3
California	853, 565	619, 484	27. 4
Colorado	123, 356	75, 820	38. 5
Connecticut	104, 718	61, 488	41. 3
Delaware	27, 496	15, 439	43. 9
Florida	535, 929	353, 374	41. 6
Georgia	452, 768	238, 962	47. 2
Hawaii	30, 662	16, 618	45. 8
Idaho	53, 595	30, 290	43. 5
Illinois	574, 034	313, 217	45. 4
Indiana	327, 541	155, 961	52. 4
Iowa	259, 842	114, 466	55. 9
Kansas	189, 628	94, 063	50. 4
Kentucky	372, 003	212, 179	43. 0
Louisiana	362, 999	225, 775	37. 8
Maine	89, 254	38, 978	56. 3
Maryland	181, 276	101, 671	43. 9
Massachusetts	268, 173	137, 016	48. 9
Michigan	445, 076	240, 072	46. 1
Minnesota	260, 797	127, 095	51. 3
Mississippi	314, 677	180, 525	42. 6
Missouri	420, 516	216, 971	48. 4
Montana	52, 173	27, 540	47. 2
Nebraska	142, 016	62, 636	55. 9
Nevada	14, 521	13, 274	8. 6
New Hampshire	40, 216	8, 337	79. 3
New Jersey	391, 957	170, 198	56. 6
New Mexico	77, 694	53, 238	31. 5
New York	960, 301	564, 780	41. 2
North Carolina	552, 327	272, 318	50. 7
North Dakota	63, 844	28, 072	56. 0
Ohio	575, 873	312, 163	45. 8
Oklahoma	262, 126	153, 471	41. 4
Oregon	116, 890	76, 650	34. 4
Pennsylvania	772, 613	371, 804	51. 9
Rhode Island	61, 104	29, 640	51. 5
South Carolina	283, 003	140, 873	50. 2
South Dakota	78, 147	36, 154	53. 7
Tennessee	452, 411	244, 218	46. 0
Texas	958, 973	542, 237	43. 5
Utah	48, 879	33, 589	31. 3
Vermont	34, 738	15, 000	56. 8
Virginia	323, 030	189, 098	41. 5
Washington	167, 443	105, 619	36. 9
West Virginia	200, 012	112, 777	43. 6
Wisconsin	256, 334	134, 829	47. 4
Wyoming	22, 107	12, 328	44. 2
District of Columbia			

In the aid to dependent children there has been a dramatic increase in children served nationally. We submit the following tables from the Statistical Abstracts of 1966 and 1971 showing ADC in 1965 and 1970.

PUBLIC ASSISTANCE—RECIPIENTS, BY PROGRAM, STATES, AND OTHER AREAS, 1965

[As of December. Except for general assistance, includes cases receiving vendor payments for medical care]

State or other area	Old-age assistance	Medical assistance for the aged	Aid to dependent children			Aid to the blind	Aid to the permanently and totally disabled	General assistance (cases)
			Families	Recipients				
				Total [1]	Children			
Total	[2] 2,127,179	279,345	1,069,316	4,456,995	3,358,112	[3] 94,576	575,245	[4] 310,000
Alabama	111,627	233	17,245	70,711	56,087	1,879	14,825	79
Alaska	1,375	×	1,254	4,660	3,583	110	238	157
Arizona	13,426	×	9,306	40,213	30,603	800	4,006	2,328
Arkansas	60,097	3,146	7,345	30,936	23,396	1,931	9,686	353
California	279,454	38,818	146,880	607,453	450,415	[3] 12,535	81,863	21,403
Colorado	[2] 42,776	5,280	11,675	45,264	35,140	237	6,362	1,191
Connecticut	6,022	7,518	13,784	55,188	40,927	309	8,810	4,672
Delaware	1,455	146	2,658	11,841	9,074	326	489	1,365
District of Columbia	2,316	504	4,735	22,606	18,247	195	3,394	849
Florida	74,595	579	28,160	109,304	87,410	2,591	18,273	[4] 8,100
Georgia	92,938	×	19,371	77,420	59,851	3,194	27,533	2,440
Hawaii	1,324	555	3,425	14,915	11,078	73	1,328	1,054
Idaho	3,961	2,714	2,546	9,844	7,199	121	3,156	NA
Illinois	52,483	1,400	53,799	253,344	197,505	2,312	30,506	22,564
Indiana	21,818	984	11,736	48,680	36,714	1,719	1,763	NA
Iowa	26,375	4,648	11,523	46,111	33,631	1,104	1,415	[4] 3,400
Kansas	20,463	3,453	8,968	37,773	29,270	484	5,243	2,820
Kentucky	59,403	12,537	21,399	83,848	60,430	2,517	12,001	1,242
Louisiana	130,799	517	24,203	106,672	81,501	2,684	19,692	7,703
Maine	10,796	493	4,972	18,355	13,544	266	2,264	2,588
Maryland	10,294	12,442	21,404	89,484	69,135	382	8,116	8,372
Massachusetts	50,832	31,605	27,183	103,002	77,298	2,274	13,489	7,902
Michigan	45,251	5,784	37,871	154,760	115,589	1,636	13,644	19,659
Minnesota	30,241	15,025	14,588	53,479	41,495	1,063	4,829	7,816
Mississippi	73,196	×	20,420	83,019	66,808	2,522	19,614	1,134
Missouri	99,870	×	26,113	107,672	82,656	[3] 4,316	15,607	9,847
Montana	4,201	1,734	1,973	7,851	6,101	224	1,643	1,206
Nebraska	10,785	2,949	4,457	18,312	14,086	550	2,948	NA
Nevada	2,341	87	1,337	5,554	4,393	161	×	455
New Hampshire	4,299	2,104	1,142	4,711	3,522	247	639	782
New Jersey	13,980	5,866	28,417	113,145	85,920	912	8,918	[5] 9,574
New Mexico	10,013	53	7,302	30,209	23,044	350	3,996	285
New York	57,161	38,220	133,263	566,461	415,929	3,151	36,108	51,028
North Carolina	42,318	2,716	26,560	110,341	82,712	4,856	23,091	1,812
North Dakota	4,908	1,509	2,036	8,132	6,287	82	1,763	407
Ohio	80,791	×	45,303	191,818	143,401	3,149	20,010	25,209
Oklahoma	82,017	1,186	18,864	75,403	56,151	1,620	15,298	8,415
Oregon	9,709	4,183	8,578	34,070	24,979	486	8,452	3,900
Pennsylvania	44,972	11,996	63,119	276,250	201,240	[3] 17,513	21,431	32,133
Rhode Island	5,506	10,532	5,911	23,398	17,341	107	2,911	2,658
South Carolina	24,626	1,324	6,858	27,223	21,967	1,881	9,186	1 196
South Dakota	6,421	1,344	3,136	11,730	8,852	111	1,153	419
Tennessee	44,738	9,736	20,032	80,982	62,005	2,050	14,078	1,814
Texas	229,050	×	20,913	94,804	71,737	4,491	10,106	[6] 8,700
Utah	4,566	2,424	5,592	22,898	16,613	163	4,957	751
Vermont	5,267	147	1,438	5,489	4,051	125	1,350	[5] 1,100
Virginia	13,016	3,965	10,953	46,672	35,974	1,153	6,889	2,870
Washington	30,741	10,925	16,882	66,596	47,641	695	18,819	7,799
West Virginia	13,815	7,389	23,011	107,172	74,851	763	5,776	1,639
Wisconsin	27,193	6,037	10,994	43,621	32,947	758	6,533	5,995
Wyoming	2,371	28	1,058	3,983	3,083	64	719	447
Puerto Rico	28,570	4,060	47,154	191,622	153,114	1,318	20,230	1,336
Guam	177	23	139	723	607	6	46	34
Virgin Islands	440	427	331	1,271	1,078	10	49	214

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[1] Includes the children and 1 or both parents, or 1 caretaker relative other than a parent, in families where the needs of such adults were considered in determining the amount of assistance.

[2] Includes 3,767 recipients under 65 in Colorado.

[3] Includes 49 recipients of payments made without Federal participation in California, 789 in Missouri, and 8,497 in Pennsylvania.

[4] Partly estimated; total not as large as sum of State figures because of adjustment. See footnote 5.

[5] Includes unknown number of cases receiving medical care, hospitalization, or burial only.

[6] Estimated.

NA—Not available. ×—Not applicable.

Source: Department of Health, Education, and Welfare, Welfare Administration. Periodically in "Welfare in Review."

PUBLIC ASSISTANCE—RECIPIENTS OF MONEY PAYMENTS, STATES AND OTHER AREAS, 1970

[As of December. Excludes cases receiving vendor medical payments only; for definition, see headnote, table 463]

State or other area	Old-age assistance	Aid to dependent children			Aid to the blind	Aid to the permanently and totally disabled	General assistance (cases)
		Families	Recipients				
			Total [1]	Children			
Total	2,081,000	2,552,000	9,657,000	7,032,000	[2] 81,000	933,000	[3] 549,000
Alabama	115,000	41,600	164,000	125,000	1,900	19,500	96
Alaska	1,800	3,000	9,600	7,300	94	880	420
Arizona	13,600	15,500	60,800	46,800	530	8,500	3,400
Arkansas	57,900	16,000	60,200	45,300	1,700	11,600	250
California	321,000	431,000	1,542,000	1,077,000	[2] 14,000	185,000	66,300
Colorado	33,500	26,000	91,600	66,500	230	10,800	4,500
Connecticut	8,300	26,000	96,400	72,000	250	7,700	9,900
Delaware	2,400	7,000	26,000	19,100	380	1,500	3,400
District of Columbia	3,500	16,300	61,000	46,000	210	7,700	2,000
Florida	61,000	68,700	259,000	199,000	2,300	21,600	7,800
Georgia	92,400	73,200	260,000	195,000	3,200	36,000	2,000
Hawaii	2,400	8,400	32,400	22,800	73	1,900	3,100
Idaho	3,400	5,300	18,800	13,200	100	2,800	NA
Illinois	34,500	117,000	484,000	363,000	1,700	45,200	47,700
Indiana	16,100	29,600	114,000	84,800	1,300	5,800	NA
Iowa	23,200	20,700	74,500	53,100	1,200	3,200	3,200
Kansas	11,900	19,500	70,300	52,800	420	6,000	5,700
Kentucky	63,000	37,800	139,000	100,000	2,100	17,200	NA
Louisiana	118,000	61,900	254,000	196,000	2,400	22,500	8,400
Maine	10,700	14,200	51,700	37,400	230	4,100	3,400
Maryland	8,800	43,200	161,000	121,000	350	16,800	9,200
Massachusetts	54,100	71,300	256,000	186,000	2,800	18,300	26,300
Michigan	39,600	113,000	445,000	318,000	1,400	30,000	45,000
Minnesota	20,800	30,200	99,300	74,600	860	12,400	7,900
Mississippi	78,090	36,200	139,000	112,000	2,200	24,800	1,300
Missouri	94,600	47,500	175,000	133,000	[2] 4,000	20,100	11,800
Montana	3,600	5,300	18,100	13,500	190	2,400	1,000
Nebraska	7,700	10,200	37,400	27,900	320	4,700	NA
Nevada	3,100	4,900	15,600	11,700	170	X	NA
New Hampshire	4,500	3,600	13,400	9,700	220	890	1,300
New Jersey	18,400	104,000	418,000	298,000	1,000	14,000	11,200
New Mexico	9,200	15,600	57,700	43,700	370	8,900	NA
New York	107,000	327,000	1,226,000	875,000	3,800	94,200	106,000
North Carolina	36,200	38,900	147,000	110,000	4,500	28,700	2,000
North Dakota	3,800	3,400	12,100	9,100	82	2,200	150
Ohio	55,200	90,300	339,000	249,000	2,700	32,500	36,600
Oklahoma	72,300	29,600	107,000	79,700	1,300	22,800	1,500
Oregon	8,100	28,600	103,000	69,800	610	7,900	3,000
Pennsylvania	50,600	145,000	565,000	400,000	[2] 7,900	33,600	74,000
Rhode Island	4,000	12,400	46,100	32,900	120	4,100	5,500
South Carolina	18,600	18,200	71,400	54,400	1,900	10,800	430
South Dakota	4,300	5,500	19,400	14,400	120	1,600	250
Tennessee	53,300	46,500	169,000	129,000	1,700	26,500	1,800
Texas	233,000	81,200	331,000	248,000	4,000	23,900	7,700
Utah	3,100	10,700	38,900	26,600	160	4,900	830
Vermont	4,400	4,000	14,200	10,000	110	2,100	NA
Virginia	13,200	31,200	117,000	87,300	1,200	8,400	6,100
Washington	22,000	42,800	150,000	102,000	480	18,300	7,000
West Virginia	12,600	24,400	96,900	70,400	550	11,700	510
Wisconsin	18,300	27,400	96,600	72,600	690	7,300	9,800
Wyoming	1,600	1,900	6,500	4,900	34	910	200
Puerto Rico	22,200	57,900	288,000	212,000	910	18,000	NA
Guam	370	440	2,200	1,700	9	63	110
Virgin Islands	330	550	2,200	1,900	9	62	230

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[1] Includes the children and 1 or both parents, or 1 caretaker other than a parent, in families where the needs of such adults wereconsidered in determining the amount of assistance.

[2] Includes 220 recipients of payments made without Federal participation in California and 500 in Missouri; excludes an estimated 7,700 such recipients in Pennsylvania.

[3] Partly estimated; total not as large as sum of State figures because of adjustment.

NA—Not available. X—Not applicable.

Source: Department of Health, Education, and Welfare, Social and Rehabilitation Service. Periodically in "Welfare in Review."

FUTURE LEGISLATIVE CONCERNS

Some concerns of the Council regarding future education legislation are: that it must not spread funds so thinly so as to miss the target group and problems; that it must weigh the special need of children, especially the physically and educationally handicapped; that it must not create bureaucratic red tape unnecessarily to measure the results of the legislation; that it must relieve overburdened tax resources in the cities; that it must recognize changes in population and economic conditions; that it must assure timely funding; and that it must preserve the traditional vocal autonomy of school districts.

In conclusion we would recommend that this Committee must move to equalize educational expenditures based on special needs of school districts and at the same time continue compensatory education programs to improve the instructional techniques and strategies for educating the disadvantaged.

APPENDIX A

THE COUNCIL OF THE GREAT CITY SCHOOLS

SUMMARY OF SCHOOL FINANCE SURVEY

Atlanta

An independent school district with a current enrollment of 160,280 students and an annual operating budget of $91,400,000.

Baltimore

A fiscally independent district with an enrollment of 190,943 children and an operating budget of $196,900,000. The School Board request to the Board of Estimates for the current fiscal year was reduced by over $16,000,000 which has made program improvement impossible.

Buffalo

An independent school district with an enrollment of 68,760 pupils and an operating budget of $76,700,000. It was necessary for Buffalo to reduce their programs and services by $2,800,000 in order to achieve a balanced budget.

Chicago

An independent school district with an enrollment of 572,282 and an operating budget of $733,000,000. Chicago projects an operating deficit of $98.5 million which will require a reduction in teaching staff of 1,000 professionals as well closing school eleven days early.

Cleveland

An independent school district with 143,000 students and an annual operating budget of $137,000,000.

Dallas

An independent school district with an enrollment of 165,609 students and an operating budget of $110,000,000. Special fiscal problems caused by desegregation court action.

Denver

A fiscally independent school district with an enrollment of 94,838 and an operating budget of $123,600,000. Programs and services reductions in the amount of $200,000 were made in order to achieve a balanced budget.

Detroit

An independent school district with an enrollment of 289,446 and a current budget of $262,400,000. Detroit is currently projecting an operational deficit for the current fiscal year in the amount of $37.6 million. They have also reduced substitute teacher service, maintenance service and have eliminated purchasing of equipment and furniture to achieve a $12–$15 million savings.

Houston

An independent school district with an enrollment of 231,487 pupils with an operating budget of $147,000,000.

Los Angeles

An independent school district with an enrollment of 650,000 and a total budget of $793,900,000. In order to balance their current annual budget, they have eliminated sixth period in all secondary schools, negated teacher salary increases, reduced operations spending and will delay the opening of their summer school. They estimate these reductions at $29,000,000.

Memphis

A dependent district with an enrollment of 151,000 students with an operating budget of $89,200,000. They have reached their maximum tax level and are currently holding the line on salary increases, supplies, equipment and programs.

Milwaukee

An independent school district with an enrollment of 131,000 students with an operating budget of $132,800,000. In order to achieve a balanced budget, expenditures were reduced by $1.5 million.

Minneapolis

An independent school district with an enrollment of 64,681 pupils, with an operating budget of $43,400,000.

New York City

A dependent school district with an enrollment of 1,140,000 students and an operating budget of $1,728,000,000. Programs and services were cut in the current budget to the estimate of $75,000,000. They anticipate further reduction of 3,000 teachers in the current year and estimate $240,000,000 gap next year between available revenues and needed revenues.

Pittsburgh

An independent school district with an enrollment of 70,500 students and an operating budget of $92,900,000.

Portland

An independent school district enrolling approximately 73,000 students, with an operating budget of $67,000,000. In order to stay within this budget, it has been necessary to reduce the number of instructional days by twenty for the current year.

St. Louis

An independent school district with 107,000 pupils, with an operating budget of $86,200,000. Nearly $3,000,000 was eliminated from the Superintendent's original budget, including community schools, television, elementary school secretaries and repair services.

San Francisco

An independent school district with approximately 80,000 students enrolled. They have an operating budget of $1,385,000.

San Diego

An independent school district with an enrollment of 126,450 students and an operating budget for the current fiscal year of $123,000,000.

Washington, D.C.

A dependent school district enrolling 144,604 students and the operating budget for the current year is $176,000,000. Although the fiscal year began on July 1, their budget was not approved by the Congress until mid-December. The Congressional appropriation share of the District of Columbia budget was $141,600,000. The Board of Education has requested $155,000,000 as a minimum level to maintain the system. Rigorous control procedures have been initiated to reduce current spending and to avoid operating deficit.

APPENDIX B

IN THE

Supreme Court of the United States

October Term, 1972

No. 71-1332

SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, et al., *Appellants,*
v.
DEMETRIO P. RODRIGUEZ, et al., *Appellees.*

**On Appeal from the United States District Court
for the Western District of Texas**

MOTION FOR LEAVE TO FILE BRIEF AND BRIEF FOR

MAYOR AND CITY COUNCIL OF BALTIMORE,
MARYLAND, A MUNICIPAL CORPORATION
CITY OF EAST ORANGE, NEW JERSEY
CITY OF JERSEY CITY, NEW JERSEY
CITY OF PATERSON, NEW JERSEY
CITY OF PLAINFIELD, NEW JERSEY
AMERICAN FEDERATION OF LABOR-CONGRESS OF
INDUSTRIAL ORGANIZATIONS
AMERICAN FEDERATION OF TEACHERS, AFL-CIO
COUNCIL OF GREAT CITY SCHOOLS
INTERNATIONAL UNION, AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO
INTERNATIONAL UNION, UNITED AUTOMOBILE WORKERS
THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES
THE NATIONAL URBAN COALITION
THE NATIONAL URBAN LEAGUE
THE EDUCATION FINANCE REFORM PROJECT
THE LEAGUE OF WOMEN VOTERS OF TEXAS

AS AMICI CURIAE IN SUPPORT OF THE DECISION BELOW

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I

IN THE

Supreme Court of the United States

October Term, 1972

No. 71-1332

SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, et al., *Appellants,*

v.

DEMETRIO P. RODRIGUEZ, et al., *Appellees.*

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MOTION FOR LEAVE TO FILE BRIEF FOR

MAYOR AND CITY COUNCIL OF BALTIMORE, MARYLAND, A MUNICIPAL CORPORATION
CITY OF EAST ORANGE, NEW JERSEY
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THE EDUCATION FINANCE REFORM PROJECT
THE LEAGUE OF WOMEN VOTERS OF TEXAS

AS AMICI CURIAE IN SUPPORT OF THE DECISION BELOW

II

The undersigned cities and urban interest organizations respectfully move for leave to file the accompanying brief in support of the decision below.*

Appellants' own brief and the *amicus* brief filed by certain suburban interests profess great concern for the effect of the decision below on the needs of the Nation's central city schools.** The undersigned agree that the decision in this case will affect millions of central city school children, as well as the cities in which they live, but they believe that interests as important as these should not be heard through surrogate spokesmen. This is particularly so where, as here, the surrogates have interests adverse to the cities. The Nation's cities and other urban interests can and do speak for themselves. And they must do so, for lack of funds for urban schools worsens the most urgent of the cities' other problems—poverty, crime, unemployment, racial tension, drug abuse, blighted neighborhoods and the flight to the suburbs of business and the white middle class.

This brief is filed to ensure that the Court has the benefit of the views of those directly affected, views decidedly contrary to those of appellants and the suburban surrogates.

The interests of Amici and their reasons for requesting leave to file are as follows:

1. The New Jersey cities of Jersey City, Paterson, Plainfield, and East Orange and the City of Baltimore, Maryland have been given the responsibility by their

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* The undersigned are authorized to state that counsel for appellants do not object to the filing of this brief, and that counsel for appellees consent to its filing.

** Brief for Appellants, pp. 41-42; Amicus Brief for Montgomery County, et al., pp. 83-95.

respective states to provide a public education for 300,000 pupils, yet have not been provided sufficient state funds for this purpose. As a result these children are compelled to attend schools with overcrowded classrooms, insufficient textbooks, and outdated physical facilities. The New Jersey cities are plaintiffs in the case of *Robinson* v. *Cahill,* L-18704-69 (Super. Ct., Hudson County, filed Feb. 17, 1970), in which they established that their children are being discriminated against by "gross inadequacies tied to fiscal inadequacies." The Mayor and City Council of Baltimore, Maryland are plaintiffs in the case of *Parker* v. *Mandel,* C.A. No. 71-1089-H (D.C.D. Md.) in which they have challenged the system used by the State of Maryland to finance public education on the ground that it makes the expenditure for each child's education a function of the wealth of the child's parents and neighbors as measured by the taxable wealth of the district in which the child resides.

2. The American Federation of Labor-Congress of Industrial Organizations is a federation of 122 national and international labor organizations having a total membership of approximately 12,500,000. The American labor movement has throughout its history sought maximum educational opportunity for all children. Unions played a major role in the establishment of public schools early in the 19th century and have continuously worked for the extension and improvement of public education. This case directly involves the quality of schooling and the integrity of the public education concept in theory and in practice throughout the United States.

3. The American Federation of Teachers is a voluntary association of education workers, which was

founded in 1916. It has more than 275,000 members throughout the United States. The purpose of the organization is to elevate the character and advance the interests of the occupation of teaching and to promote the cause of education in the United States. In furtherance of this purpose, AFT has long worked to ensure the adequate and equitable financing of public education throughout the nation. The AFT has worked for more than a half century to provide for equal educational opportunity for all American children. The present case deals with the application of the Equal Protection Clause to state allocation of resources to school children, an issue which has major implications for the financing of public education in every American community. For all these reasons the American Federation of Teachers joins in presenting this brief.

4. The Council of Great City Schools, incorporated in 1961 as a nonprofit organization, is comprised of twenty-three of the largest city school districts in the United States. Member cities include Atlanta, Baltimore, Boston, Buffalo, Chicago, Cleveland, Dallas, Denver, Detroit, Houston, Los Angeles, Memphis, Minneapolis, Milwaukee, New York, Oakland, Philadelphia, Pittsburgh, Portland, St. Louis, San Diego, San Francisco and Washington, D. C. The activities of the Council are governed by a board of directors composed of one member of the Board of Education and the Superintendent of Schools from each participating city. The organization seeks to meet the comprehensive public school needs and to improve every facet of education in its member cities. A major concern of the Council has been the increasing disparities in financial support to education in urban centers as compared to suburban areas. It believes that such

discriminatory treatment of urban centers threatens to severely handicap vast numbers of city school children in the cities it represents.

5. The International Union, American Federation of State, County and Municipal Employees now represents more than a half million employees of state and local governments throughout the nation. It is deeply devoted to social reforms and improved social justice for the poor and particularly the urban minorities adversely affected by our prevailing system of funding our public education.

6. The International Union, United Automobile Workers and its nearly one and a half million industrial-worker members are vitally interested in quality public education for all our children. Having long supported the interests of the disadvantaged and the poor, UAW believes strongly in equality of educational opportunity and believes that a public education system built on inequality plainly violates fundamental constitutional guarantees.

7. The League of Women Voters is a non-partisan organization whose purpose is to encourage the informed and active participation of all citizens in government and politics. It is open to all women citizens 18 years or older, and has a membership of 157,000 in more than 1,275 Leagues in all 50 states, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands. From its inception in 1920 the League has worked at national, state and local levels on various governmental issues selected by the members for study, decision and action. In 1936 the Na-

tional League published a study entitled, *School Finance and School Districts,* which stated:

> "Long years of public discussion have brought agreement that free public education is essential to the well-being of a Democracy, that government has a right to tax the wealth of all to provide schools, that the state should offer all children equal educational opportunities, and that it can compel attendance for the period fixed by law."

Since 1964, concerted attention has been directed to the goal of equal opportunity. At every level of government, League members are working toward this goal, striving to achieve an American society in which all children will have equality of opportunity in access to education with the further benefits of economic settlement and greater participation in the mainstream of American life.

8. The National Urban Coalition, a private nonprofit corporation whose goal is the revitalization of America's cities, has established as one of its major objectives the extension of quality education, particularly to those students from disadvantaged backgrounds. Essential to this task is the removal of the gross inequities resulting from State education finance formulas which presently favor suburban areas at the expense of urban centers. The present case challenges the education financing system of the State of Texas. However, the factual pattern which the case presents and the important constitutional issues it raises extend to metropolitan centers across the nation. It is for this reason—because of the importance of this case to the future of American urban education—that the Nation-

al Urban Coalition requests leave of this Court to file the attached brief.

9. The National Urban League, as the oldest non-profit, non-partisan human rights organization in the nation, has waged a sixty-year campaign on the historical Four Horsemen Apocalypse that rides through the urban black ghettos of America—Poverty, Racism, Illiteracy and Neglect. In focussing on the amelioration of prevailing economic conditions in the black community, the National Urban League believes that the quality of a child's education should necessarily not depend on the neighborhood in which his parents reside, nor must the nature of that education remain subject to the capriciousness of local wealth.

10. The Education Finance Reform Project (EF RP) was founded in California for the purpose of examining the evidence regarding the effect of school finance proposals from the perspective of Blacks. The fundamental principle upon which the Project is based is the belief that the allocation of educational opportunity among children is more important than the allocation of money among districts.

While EFRP is premised on the assumption that money alone will not enhance educational opportunities, additional funding is critically required for programs which will do so. In pursuit of this objective, EFRP is doing legislative and legal research, analysis of school statistics, and organizing and training community people to set up local conferences to discuss and explain the issues.

11. The League of Women Voters of Texas is a non-partisan voluntary organization, embracing Texas' 42

local chapters with an aggregate membership of approximately 4,200 Texas citizens. It is affiliated with the League of Women Voters of the United States. The general purpose of the League is to encourage informed and active participation of citizens in democratic governmental processes. To this end, the League has undertaken numerous studies on issues of public interest and has taken action as a result of these studies, including appearance as amicus curiae in judicial proceedings involving important public questions. Among the subjects to which the national, state and local Leagues have devoted extensive study is the impact of inequality in employment, education and housing in the United States, Texas and local municipalities. The League has concluded that lack of equal opportunity in education is of fundamental importance to the problems of poverty, employment, welfare, and the entire aspect of participation in our governmental processes among large segments of the population. This, in turn, underlies the overriding national problem of poverty among large segments of the population. In January, 1969, the League stated that its members believe that all levels of government share with other levels of government the responsibility to provide equality of opportunity in education, employment and housing for all persons in the United States. The Texas League is currently engaged in an intense study of alternative methods of financing public schools in Texas.

* * *

Because the present case, however it is decided, will have an important effect upon millions of central city school children and on the cities in which they live, and because affirmance of the decision below is essential if the states are to be freed to allocate scarce educational resources according to educational criteria rather than arbitrarily in accord with local assessed property valuations, the undersigned request leave to file the accompanying brief.

Respectfully submitted,

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IN THE

Supreme Court of the United States

October Term, 1972

No. 71-1332

SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, et al., *Appellants*,
v.
DEMETRIO P. RODRIGUEZ, et al., *Appellees*.

**On Appeal from the United States District Court
for the Western District of Texas**

BRIEF FOR

MAYOR AND CITY COUNCIL OF BALTIMORE,
MARYLAND, A MUNICIPAL CORPORATION
CITY OF EAST ORANGE, NEW JERSEY
CITY OF JERSEY CITY, NEW JERSEY
CITY OF PATERSON, NEW JERSEY
CITY OF PLAINFIELD, NEW JERSEY
AMERICAN FEDERATION OF LABOR-CONGRESS OF
INDUSTRIAL ORGANIZATIONS
AMERICAN FEDERATION OF TEACHERS, AFL-CIO
COUNCIL OF GREAT CITY SCHOOLS
INTERNATIONAL UNION, AMERICAN FEDERATION OF
STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO
INTERNATIONAL UNION, UNITED AUTOMOBILE WORKERS
THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES
THE NATIONAL URBAN COALITION
THE NATIONAL URBAN LEAGUE
THE EDUCATION FINANCE REFORM PROJECT
THE LEAGUE OF WOMEN VOTERS OF TEXAS

AS AMICI CURIAE IN SUPPORT OF THE DECISION BELOW

INTRODUCTORY STATEMENT

The undersigned cities and urban interest organizations file this brief out of conviction that statutory schemes whereby public school revenues derive largely from property taxes levied in arbitrarily drawn and unevenly endowed school districts, as in Texas, offend the Equal Protection Clause. Such schemes invidiously discriminate, *inter alia*, against central city school children. And without rational justification, they channel scarce education resources to affluent school districts that need them least, while starving hard-pressed urban school districts that bear heavier educational burdens.

Let there be no mistake about the harm done. As Dr. Mark R. Shedd, then superintendent of the Philadelphia schools, testified before the Senate Committee on Equal Education Opportunity last September, "The urban schools of this country are dying. They are dying from financial strangulation. . . ."[1] He did not exaggerate. On June 6, 1972, the Detroit Board of Education, facing a $50 million deficit on top of the previous year's $38 million deficit, adopted a "survival" budget requiring a 36% reduction in spending; this was to be achieved by slicing the school year to 117 days, far short of the 180 days mandated by Michigan law.[2] On August 2, 1972, the Mayor of Philadelphia announced that lack of funds might require that city to end the 1972-73 school year for its 374,000 children in March, three months early. These extraordinary developments are only symptomatic of a nationwide school financial crisis. Equally harsh announcements of early closings, teacher layoffs and other cutbacks have been made or can be expected in Boston, New York, Newark, Baltimore, Pittsburgh, Cleveland, Cincinnati, Dayton, Chicago, St. Louis, Portland, Los Angeles and many other cities.

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[1] Equal Educational Opportunity—1971, Part 16A, Inequality in School Finance, Hearings before Senate Select Committee on Equal Educational Opportunity, 92d Cong., 1st Sess., Sept. 21, 1971, p. 6603 [hereinafter cited as "Inequality Hearings"].

[2] Moving papers of Detroit Federation of Teachers, June 22, 1972, in *Bradley* v. *Milliken,* C.A. No. 35257, U.S.D.C. (E.D. Mich.).

San Antonio's plight may be less dramatic; but it is no less poignant. The 25,000 public school children, mostly Mexican-Americans from low-income families, who live within the governmentally drawn boundaries of the Edgewood Independent School District, the poor central city school district which spawned this litigation, have educational needs at least as great as those of children in other San Antonio area school districts. But Edgewood's poverty, measured by low assessed valuation per student, disables local authorities from providing their children with the same facilities, teachers, supporting personnel, library books, equipment, supplies and breadth of curriculum available in surrounding districts favored by the draftsmen of capricious school district boundaries with greater assessed valuation per student.[3] Why are similarly situated school children treated so differently? The answer is clear. The state has drawn school district boundaries so that poor Edgewood, despite a high tax rate, raises only $26 per child, while affluent Alamo Heights, a nearby suburban oasis, raises $333 per child with an equivalent tax rate. State "equalizing" contributions do not narrow the gap. In 1968-69, Edgewood received only $3 more per child ($225 to $222) than did its most affluent neighbor.[4]

Dr. Shedd's grim diagnosis of the general plight of city schools, and the record's blunt account of what actually happens when the level of school spending is made to turn largely upon an unevenly distributed property tax base, are not disputed even by those who seek to defend such arrangements. Indeed, they purport to find ground in the special needs of the Nation's central city schools and their disadvantaged school children for continuing to tolerate the Texas pattern. Consider, for example, the nearly 20 pages devoted to urban school needs in the amicus brief filed on behalf of suburban interests. Amicus Brief for Montgomery County et al., pp. 83–99. Like counsel for appellants,[5] these suburban spokesmen contend that because proscription of the statutory linkage between school funding and local wealth would not automatically "guarantee" more money for urban schools, and because a possible application of the decision below so as to require mathematically equal expenditures per student might even reduce the flow of school funds to some cities, arrangements like the one in Texas should be preserved no matter how egregious their disparities.[6]

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[3] Affidavit of Dr. Jose Cardenas, App. 234-40.

[4] App. 219. Counsel has been advised that the statement in text is correct, and that the cited table inadvertently inverted the Edgewood and Alamo Heights figures in this one category—state aid.

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[5] Brief for Appellants, pp. 41–42.

[6] How to reconcile this professed concern for adequate urban school funding with the contention that money cannot be equated with "academic achievement" we leave to appellants. The fact is that their last-ditch fight to preserve the current maldistribution of state educational resources speaks louder than words and belies the contention that money is irrelevant. If money is totally unrelated to academic achievement, after all, why do suburban schools with the resources to do so spend so much more than their poorer urban and rural neighbors? We cannot believe the Court will be persuaded that billions of dollars for buildings, maintenance, libraries, books, supplies, gymnasiums and professional and supporting salaries are so unimportant that invidious discrimination in their distribution can be deemed constitutionally irrelevant—whether or not arithmetically related to "academic achievement." As to the relationship between resources and achievement, see *Gaston County* v. *United States*, 395 U.S. 285, 294–96 (1969), where both Congress (in the Voting Rights Act of 1965) and the Court forthrightly concluded that correcting resource imbalances would enable resource-starved schools to produce more equal educational achievement.

Central cities support this judicial challenge to the Texas statutory scheme because it irrationally allocates scarce educational resources chiefly on the basis of local wealth rather than according to legitimate educational considerations. Such schemes disserve the cities, which typically combine extraordinary educational needs with fewer available resources for education than the suburbs that surround them. Indeed, such schemes have helped to create today's urban school crisis, and now stand stubbornly in the way of any rational solution.

It is the considered judgment of the undersigned that affirmance of the decision below is an absolutely necessary and essential step if the Nation's urban schools are to be enabled to cope with their financial crisis.

ARGUMENT

I. STATUTORY SCHEMES LIKE THE ONE IN TEXAS INVIDIOUSLY DISCRIMINATE AGAINST CENTRAL CITY SCHOOL CHILDREN.

A. The Texas scheme precludes meeting the special and acute educational needs of the cities.

Most educational aid formulas are archaic vestiges of the first decades of the century, when some of the Nation's central cities were "wealthy" in the limited sense that they reported above average assessed valuation per student, and when state aid was designed to reduce disparities between "rich" central cities and outlying areas. These formulas remain in operation although the conditions for which they were designed no longer exist.[7]

First, shifts in population and economic activity have converted most central cities into "have-nots."

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[7] S. Sacks, City Schools/Suburban Schools, A History of Fiscal Conflict 1-2, 28-45 (1972).

Since 1950, central cities have grown increasingly poor and black, as middle-class whites (whose children have fewer educational problems), business and industry have fled to the suburbs. With them went a portion of the city's tax base. Left behind was the high-cost population of the racially concentrated and educationally disadvantaged. By 1966 the incidence of poverty was nearly twice as great in central cities as in suburbs.[8] By 1970, twenty-six of the seventy-two largest cities were more than one-quarter black; at the same time, sixty-seven of the seventy-two largest suburban rings were more than 90% white.[9] Detroit and Cleveland offer striking examples of these trends. Between 1950 and 1966, Detroit suffered a net loss of 20–30,000 families but gained 50–60,000 school children as blacks replaced less prolific whites; Cleveland lost 130,000 in net population, but experienced a public school enrollment increase of 50,000.[10] Indeed, blacks comprise a majority or near majority of public school students in seven of the ten largest American cities.[11]

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[8] A. Downs, Who Are the Urban Poor 14 (Committee for Economic Development 1968). 1970 figures show that in the seventy-two largest standard metropolitan areas central cities also have approximately 20% fewer high-income households than their suburbs. 1970 Survey of Buying Power, SALES MANAGEMENT (June 10, 1971).

[9] Data taken from Bureau of the Census, General Demographic Trends for Metropolitan Areas, 1960-1970, Table I (PHC-2 Series). See also Rept. of Nat. Advisory Comm. on Civil Disorders 242-243 (Bantam ed. 1968).

[10] Rept. of Nat. Advisory Comm. on Civil Disorders, 430–31. It should be noted that the combination of high city taxes and relatively poorly funded city schools not only fuels the white middle-class flight to the suburbs, but the "Balkanization" of school finance frees the suburbanite of any financial stake in city schools—and helps to motivate suburban resistance to integration involving the inferior city schools. This is a vicious circle which cannot be broken without reform of the way public schools are funded.

As industry, business and affluence have shifted from central cities to suburbs, so have economic resources. Central cities are losing employment in manufacturing, wholesale and retail sectors at about 0.5 percent per year, while suburban area employment in these sectors is increasing at about 2.5 percent a year.[12] In similar fashion, the central city share of metropolitan retail sales declined from 63% in 1958 to 54% in 1963 to 46% in 1967.[13]

Second, the combined impact of these demographic and economic changes has seriously depressed the tax base of central cities. The value of suburban property for the nation as a whole has grown in recent years more than two and one-half times as fast as that of central cities.[14] Appendix A shows the dramatic growth within a recent five year period in suburban property values as compared to the central city in the nation's thirty-seven largest standard metropolitan statistical areas. Baltimore is typical. As recently as 1950, the suburbs around Baltimore reported only 81% of the assessed per capita valuation of the central city. By 1960, the ratio had shifted to the suburbs' favor; they then had 110% of the city's per capita valuation—and much lower revenue needs. Property values in Milwaukee County follow the same pattern. Suburban property values per capita were 105% of those in the central city in 1935, 120% by 1940 and 138% by 1960. The most recent data show that the property value per capita of suburban Bexar County is more than twice as great as per capita values in San Antonio, its central city.[15] As the prestigious Advisory Committee on Intergovernmental Relations has put it, once "well-balanced" communities have been replaced by "lop-sided" metropolitan communities, characterized by poor, increasingly black core cities surrounded by affluent suburban areas.[16]

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[11] *Ibid.*

[12] Bureau of the Census, Trends in Social and Economic Conditions in Metropolitan Areas, Current Population Rep., ser. P-23, No. 27, at 36 (Feb. 1969).

[13] Advisory Comm. on Intergovernmental Relations, Metropolitan Disparities—A Second Reading, table III (1970), derived from Bureau of the Census, Census of Business 1958, vol. II, Census of Business 1963, vol. II, and Census of Business 1968, vol. II.

[14] Regional variations were even greater. In the Northeast suburban property values climbed about three times as fast as those of central cities. In the Midwest the value of suburban property grew at more than six times the rate of its central cities. Staff of Senate Select Comm. on Equal Educational Opportunity, 92d Cong., 1st Sess., Federal Aid to Education: Who Benefits 17 (Comm. Print 1971) [hereinafter cited as "Federal Aid"].

The cities, thus, have not only ended up with higher proportions of poor and minorities, and their harder to educate children, but also with less of a tax base to deal with them.

Third, consideration of three crucial variables—the cost of educational facilities and services, students' educational needs, and competing demands upon local tax revenues—shows that the Texas scheme for funding schools that ties the education of central city children to a weakening tax base, rather than benefiting city child as appellants and their supporters argue, significantly contributes to the growing crisis in urban education:

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[15] Dept. of HEW, Rep. of the Commissioner's Ad Hoc Group on School Finance appearing in General Appendixes to Hearings on Equal Educational Opportunity Before the Senate Select Comm. on Equal Educational Opportunity, 92d Cong. 1st Sess. pt. 16-D-3, at 8367-8370 (1971) [hereinafter Ad Hoc Group Report].

[16] Advisory Commission on Intergovernmental Relations, Urban American and the Federal System, 9 (1969).

1. Educational facilities and services typically cost more in the cities.

Urban education facilities and services typically cost more. Urban land is more costly to acquire, urban schools are more costly to build and maintain, and urban faculties and staff more expensive to recruit and retain. This point is tellingly made by the United States Commissioner of Education's Ad Hoc Group on School Finance. The Group's 1969 report noted that in 1967 the City of Detroit, for example, paid more than $100,000 per acre for school sites, whereas surrounding suburban districts with access to undeveloped land paid only one-sixteenth as much, or $6,000 per acre.[17] A recent study made by the Urban Institute research staff also found that cities with over 25,000 people spend more for site acquisition (land) and buildings compared to suburbs and smaller cities.[18]

Central city school districts must compete for teachers with the suburban districts in their metropolitan area, but they must often assign new teachers to classrooms crowded with difficult to educate children located in an antiquated building in a depressed area. Thus it is not surprising to find that central cities have had to offer teacher salaries equal to or above those paid by wealthy suburban districts where working conditions may be perceived by teachers as less strenous and anxiety producing. For example, the entry level salary for Detroit teachers for 1968-69 was $7500, nearly $600 more than the average in 35 surrounding suburban districts, and $300 above the closest suburban district.[19]

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[17] Ad Hoc Group Report at 8372.

[18] Levin & Muller, Cost Differentials in Public Schools, (Urban Institute, forthcoming). The study found, for example, that the city of Rochester spent $110,673 per acre of land between 1965 and 1970 for elementary schools, its suburbs only $2,066. New York City exclusive of land, spent $5,045 per pupil to build new secondary schools in 1970, compared to $3,074 for similar facilities in suburbs and $2,889 in small jurisdictions.

2. Special central city problems such as large concentrations of the educationally disadvantaged generate the need for relatively greater urban school funds.

Not only does the city school dollar buy less, it has vastly more to do. The educational needs of the cities have always been more complex and more expensive to meet than those of suburban and rural areas.

Central city schools have had to cope, for example, with large concentrations of non-English speaking children, children from poor and culturally deprived homes—frequently migrants or the offspring of migrants from the poorest and most educationally deprived areas of the country, and victims of racial discrimination and other physical, mental and social handicaps.[20] Numerous studies document the greater frequency of low achievement and other disabilities among minority group and lower social class pupils.[21]

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[19] Ad Hoc Group Report, at 8372. An Urban Institute study also found average teachers salaries in large cities in eight states to be higher than in fast growing suburbs in close proximity to these cities. Levin, Muller, Scanlon, and Cohen: Public School Finance: Present Disparities and Fiscal Alternatives 99 (The Urban Institute, 1972)

[20] Status & Impact of Educational Finance Programs, 4 National Educational Finance Project 50 (R. Johns, et. al., eds., 1971). Federal Aid, *supra*, n.14 at 19. The task of central city schools is even greater than it might appear from total population statistics because non-white children and poor children in large cities compose a far larger proportion of school enrollments than of the total population. For example, in 1965, 52% of the public school enrollment in Chicago was non-white, although non-whites composed but 28 percent of the total population.

And the schools in cities such as Baltimore, Detroit, Boston, Cincinnati and Philadelphia, in 1967, had more than twice their expected proportion of low income pupils. Baltimore, for example, had 27% of Maryland's pupil enrollment in 1967, but 51% of the state's Title I (ESEA) children. Federal Aid at 27.

As a consequence the large cities enroll a disproportionate percentage of students in special programs. The six largest cities in New York State, for example, enroll 38% of the State's pupils yet must provide special programs for 63% of the State's handicapped, 62% of the pupils in the State from impoverished families, and 65% of the State's full-time vocational pupils.[22]

Even supporters of the present system must concede that such factors interfere with "academic achievement" and vastly enlarge the job of city schools, for the cost per pupil is much higher, for handicapped children, for compensatory education for the culturally disadvantaged, for the education of non-English speaking pupils and for vocational education.[23] The New York City schools, to cite one example, presently serve 290,000 Spanish-surnamed students, 135,000 of them insufficiently skilled in English to benefit from regular classroom instruction. But bilingual education is expensive and there is money for bilingual classes for only 4000 of these children.[24] What suburban or rural jurisdiction has so difficult a problem—or one so patently amenable to solution if more money were available?

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[21] Among the many studies on the relation between race or social class and pupil performance, see especially J. Guthrie, G. Kleindorfer, H. Levin & R. Stout, *Schools and Inequality* (1969); James S. Coleman et. al., *Equality of Educational Opportunity*, U.S. Commission on Civil Rights; *Racial Isolation in the Public Schools*, Vol. 1 (1967).

[22] Conference of Large City Boards of Education of New York State, Program 1971, at 5–6 (1970)

[23] Current practice places the cost of vocational-technical education and compensatory education at about 2 times the cost of a basic elementary school program and physically and emotionally handicapped programs at about 3 times a basic program. Nat'l. Educational Finance Project, Future Directions for School Financing 28 (1971)

Finally, the school plant in most central cities is poorly located, aging and badly in need of replacement. In 1965, over 50% of all school buildings in Boston, Cleveland, Pittsburgh and St. Louis were over 45 years old, as were over 36% of all school buildings in the 15 largest cities. The suburban school plant, on the other hand, is largely of recent construction and well located. As a result, suburban districts are entering an era of low capital requirements, while the cities must soon replace a large part of their total plant—at today's and tomorrow's inflated costs.[25]

3. Central city school funds are limited because the tax dollar must meet other pressing municipal needs.

Defenders of the statutory dependence of school funding upon local wealth blandly suggest it is all a matter of "priorities", that if cities spend less on schools, it is because they have "chosen" to tax themselves less. Precisely the opposite is true. Both the record and the national figures demolish this contention, for the record shows that Edgewood would have to tax itself at more than eight times Alamo Heights' rate to generate equivalent revenues. (App. 218). Nationally, although the cities raise less for schools than do non-urban districts, they tax themselves 40% more heavily overall.[26] Moreover, the city dweller in 1970 paid a substantially higher percentage of his income in local taxes—7.3%—than did his more affluent suburban neighbor—5.1%.[27]

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[24] Report of the New York State Commission on the Quality, Cost, and Financing of Elementary and Secondary Education 1.62 (1972) [hereinafter the Fleischmann Report].

[25] Sacks, *supra.* n.7 at 52-53.

[26] Ad Hoc Group Report, at 8370

The urban property tax base, already strained by higher educational costs and greater pupil needs, must support a much greater range of non-educational government services than suburban or rural jurisdictions. Expensive but unavoidable municipal services such as police, firefighting, health care, welfare, sewage, mass transit and sanitation compete for the education dollar. In general, central cities spend twice as much per capita as outlying areas for non-educational services.[28] Ironically, many of these dearly paid for municipal services benefit not only city taxpayers, but nontaxpaying suburbanites as well.

The disparity in demand for non-educational services between central city and suburbs—the so-called "municipal overburden"—has been increasing. In 1957, the 37 largest central city areas had 82 per cent higher per capita non-educational expenditures than their suburban rings. By 1970, this disparity had increased to 95 per cent.[29] The problem is most obvious in older Northeastern and Midwestern cities where the disparity averaged over 100 per cent by 1970.[30] Per capita non-educational expenditures in Denver, Colorado, for example, were more than three times greater than those in surrounding suburbs.[31]

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[27] *J. S. Berke and J. J. Callahan, Serrano* v. *Priest:* Milestone or Millstone, 21 Journal of Public Law 23, 48 (1972). See Appendix B hereto for Baltimore, Boston, Philadelphia, Cleveland, San Antonio and Portland examples.

[28] S. Sacks and J. Callahan, Central City-Suburban Fiscal Disparities in the 72 Largest Metropolitan Areas, 75 (Advisory Commission on Intergovernmental Relations study, based on data supplied by the U.S. Bureau of the Census, 1972) [hereafter cited as City-Suburban Disparities]; Appendix B hereto.

[29] City-Suburban Disparities, 59; Appendix B hereto.

[30] City-Suburban Disparities, 75.

Central cities as a result cannot devote as large a percentage of their total budget to education as suburbs do. On the average, education expenditures comprised 30-35 per cent of central city budgets between 1957 and 1970. During the same time span, education expenditures were generally about 55 per cent of suburban budgets.[32] Due in large measure to such municipal tax overburdens, central city per capita educational expenditures in 1970 were only 85 per cent of suburban levels.[33]

B. In practice, statutory schemes like the one in Texas have precipitated a crisis in central city school finance.

The fact is that many central city school systems have been driven to the brink of bankruptcy by these factors that are at work in every American city and make a mockery of rhetoric about "local control."

1. Philadelphia.

Dr. Shedd testified that the City of Philadelphia, in the face of the ever-growing educational needs of its 374,000 students, many of them severely disadvantaged,[34] was forced in the preceding year to eliminate 600 teaching positions, 800 support personnel, and sharply cut purchases of books, supplies and equipment. Financial pressures compelled an increase in class size, although his *educational* judgment was that a decrease was necessary. A badly needed school-building program had to be stopped despite the fact that 30 schools serving 30,000 children were unsafe, 400 classrooms were being rented from churches and other nonacademic sources, and four high schools were already on "dual" programs. Even with these draconian measures, the Superintendent anticipated that Philadelphia schools would have to close a month and a half early in 1972 because operating funds would then be exhausted. His prognosis for the future, with debt service alone accounting for $56 million and mounting, was even more bleak unless decisions like the one below have "nationwide repercussions." [34a] The March school closing threatened for 1973 bears him out.

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[31] Bureau of the Census, Local Government Finances in Selected Metropolitan Areas and Large Counties, 1969-70, Table 3 (1971).

[32] City-Suburban Disparities, 61. Cf. Final Rept. of the Task Force on Urban Education of the Dept. of HEW 43 (Praeger ed. 1970) [hereinafter Urban Education Rept.]. See Appendix B hereto.

[33] City-Suburban Disparities, 75.

2. Detroit.

The Detroit crisis is still more grave. Deficits have grown from $1¼ million in 1966-67 to $38 million last year and to a possible $88 million in the present school year. Halving maintenance on the city's aging school plant (buildings average between 40 and 50 years in age), stopping all painting and redecorating, cutting textbook purchases by 15%, and increasing class size hardly made a dent in the deficit. In April of 1972, 1548 teachers were laid off, effective in June. And in June over one-third of the coming school year was cancelled. Yet Detroit has one of the highest combined tax rates in Michigan. Moreover, cuts in the state's "equalization" payments to Detroit deprived the city's schools of $91 million over the last ten years. Detroit's new austerity moves threaten continuation of other state and federal programs, which are fashioned to benefit principally those school districts affluent enough not to need them.

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[34] Tests indicated that 40% of the city's elementary school population, or 56,000 children, were "functionally illiterate." Thirty percent of all secondary school students were "absent" on any given day—a too common pattern in the central cities. Inequality Hearings, at 6608–6608.

[34a] Id., at 6615.

Detroit and Philadelphia are far from unique cases. President Nixon's Task Force on Urban Education found such conditions reflected to varying degrees in all of the large cities of the nation. Many it found are faced with: (1) deficits from the preceding years; (2) defeat of bond issues; (3) impossible alternatives of substandard programs or early closing dates; (4) continuing deterioration of facilities for which there is no money to maintain or rebuild; (5) inability to keep good teachers for lack of salary incentives; and (6) inability to hire urgently needed additional staff members.[35] The tragedy of this crisis is that the current plight of cities with respect to education is, in considerable measure, the consequence of state fiscal policies.

3. Why these crises

For insight into what this controversy is really about, it is instructive to compare Detroit with three of its affluent suburbs.[35a] Fully 65% of Detroit's public school population is black or other minority group. In Dearborn the equivalent percentage is 1.3%; in Bloomfield Hills, 1.1%; in Grosse Pointe, 0.3%.[36] On seventh grade achievement tests, Dearborn students score in the 87th percentile nationally; in Bloomfield Hills, in the 98th percentile; in Grosse Pointe, in the 97th. Detroit's seventh graders score at the bottom, in the first percentile. Per student assessed valuation in 1968-69 in the three suburbs ranged from nearly $24,000 to over $42,000. In Detroit it actually fell from $20,000 in 1960 to $16,500 in 1968. The suburbs, with their easily educable middle and upper class children, spent from $965 to $1,056 per student. The City of Detroit was able to spend only $756 per student, even with federal aid.[37] This inverse relationship of need to resources existed despite the fact that the city taxed itself for education at double the statewide average rate, and its total tax rate was substantially higher than that of *any* suburban jurisdiction.

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[35] Urban Education Rept. at 81.

[35a] The following comparative figures are from Myers, "From Auto City to School Bus City," City 33-39 (Summer 1972).

[36] In the Nation's 15 largest metropolitan areas, the nonwhite segment of the central cities' school population in 1965 ranged from 21% to 88%. Berke & Callahan, *supra* n.27, at 38 (1971).

One can hardly imagine these crises occuring in the panglossian world painted by appellants and their suburban supporters where educational expenditures always increase, where each state's "flat grant" or "foundation program" is to be presumed sufficient to guarantee an "adequate education" for every child, and local school districts have "control" over their own destiny. Just as the fabled fox and stork are "free" to drink from the same milk container,[38] so too are urban and suburban school districts "free" to rely upon unevenly distributed local wealth to meet their educational and other needs.[39] The result is a tragic inversion of needs and resources.

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[37] Here, too, the Detroit pattern is representative. One study of 12 large metropolitan areas showed that whereas 10 of the 12 central cities spent more per student in 1950, by 1965, 7 of the same 12 were outspent by their suburbs. Report of Nat'l Advisory Comm. of Civil Disorders *supra* n.9, at 434-45.

[38] Griggs v. Duke Power Co., 401 U.S. 424, 431 (1971).

4. The distribution of state aid under statutory schemes like the one in Texas aggravates the present plight of central cities.

The foregoing analysis demonstrates that any rational scheme would allocate more aid to cities than to suburban areas. But far from meeting the special needs of the cities, state aid systems actually discriminate against the cities. The fact is that most state aid systems still base school support on the educationally irrational measure of local property wealth and still function as if the fiscal positions of central cities were superior to suburban areas.

The invidious nature of the statutory linkage between school funding and local wealth is not substantially ameliorated by the various forms of "flat grants" and "equalization" formulae that exist in Texas and other states. If they have any one characteristic, it is that they do not equalize. Despite their operation, the grossest disparities continue to exist. Indeed, these devices frequently work to exacerbate disparities. Too often poor urban districts cannot meet all conditions of full entitlement to derive full benefit from these programs—which in fact widens the gap between "haves" and "have-nots."[40]

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[39] Except where, as in Florida, Virginia and other states, state law either imposes an absolute ceiling on local tax levies, or punishes "excess" local levies by making off-setting deletions from otherwise available state grants.

[40] A recent study in New York, for example, revealed that state aid plans "tend to reinforce the inequitable distribution of local resources rather than offset it." The study noted that aid to central cities averaged $100 less per student than for suburban students, that aid to the largest cities was in every case below the county average, and in 4 of the 9 cases was the lowest in the area. Revising School Finance in New York State, Aug. 1971, p. V-7.

* * *

Because the statutory dependence of school funding on local wealth arbitrarily and irrationally fails to consider differences in school costs, in education needs, and in competing calls upon local tax resources, it has produced the grossest disparities in expenditure levels. Chief among its victims have been the central city schools and the millions of children they serve.[41] The inescapable fact is that central city school children increasingly go to school in firetraps, find their special needs unmet, and begin their "summer" vacations in early spring, while suburban school children live out the American dream. That is the nature of the problem. It is not to be obscured by cant about "local control," or by highly debatable contentions from affluent and high-spending suburban districts about whether "dollar input" is arithmetically translatable into "academic achievements." Thus, central city schools and the millions of children who attend them do have a major stake in the outcome of this case, for the present inequitable and irrational system of funding public schools denies them anything like equal treatment. The ruling of the court below which finds the present system unconstitutional, irrational and discriminatory holds out hope at long last for these children of a funding system rationally related to educational criteria.

II. THE DECISION BELOW SHOULD BE AFFIRMED.

The undersigned urge the Court to affirm the decision below. Public school funding has too long been straight-jacketed by the statutory dependence upon the local property tax. Neither in Texas nor in any other state has it been possible to allocate scarce educational resources on a rational basis. Instead, the availability of funds within each artificially drawn school district has largely remained a function of its local property tax base, discounted by other urgent calls upon those same resources. Districts drawn wealthy enough to generate adequate or surplus funds have been able to do so without regard to cost or need. Adjacent districts with the most compelling educational needs and far greater cost differentials, but without adequate tax resources available for schools, go without.

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[41] In 1962 the outlying areas surrounding 29 of the 37 largest cities received greater state educational aid per pupil than those cities. Sacks, *supra,* n.7 at 88.

Judicial invalidation of this arbitrary and irrational scheme for financing public education is essential if the states are to be free at last to make educational criteria controlling in the funding of public schools.

A. Affirmance is constitutionally compelled.

The Court should affirm whether or not it concludes that education is a "fundamental" interest, or that the established doctrine of "wealth" as a "suspect" category applies. Should the Court accept the analysis of these issues adopted by the court below and by state and federal courts in California, Arizona, Florida, Minnesota, New Jersey and Wyoming,[42] affirmance should follow, for appellants make out no "compelling necessity" to justify the egregious disparities in educational expenditures which characterize the challenged statutory scheme. But should the Court not accept such an analysis, we demonstrate below that it should nevertheless affirm on the ground that the classification here fails even the test of "rationality."

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[42] *Serrano* v. *Priest,* 5 Cal. 3d 584, 487 P.2d 1241, 96 Cal. Rptr. 601 (1971); *Van Duzartz* v. *Hatfield,* 334 F. Supp. 870 (D Minn. 1971); *Hargrave* v. *Kirk,* 313 F. Supp. 944 (M.D. Fla.), vacated, *Askew* v. *Hargrave,* 401 U.S. 476 (1971); *Hollins* v. *Shafstall,* No. C-253652 (Super.Ct. Maricopa Co. Ariz., Jan. 13, 1972); *Robinson* v. *Cahill,* 118 N.J. Super. 223, 287 A.2d 187 (1972); *Sweetwater Co. Planning Comm.* v. *Hinkle,* 491 P.2d 1234 (Wyo. 1971).

1. Appellants must demonstrate a "compelling necessity" for the present funding system, and they cannot.

The undersigned believe that education is a "fundamental interest," that the present system does improperly incorporate the "suspect" category of "wealth" as the basis for deciding on whose children billions of school dollars are spent each year, and that either of these considerations alone requires appellants to convince the Court that the egregious disparities in school funding shown here are "*necessary* to promote a *compelling* state interest." *Dunn* v. *Blumstein*, 405 U.S. 330, 335–37 (1972); *Bullock* v. *Carter*, 405 U.S. 134–144, 147 (1972); *Schilb* v. *Kuebel*, 404 U.S. 357, 365 (1971).

a. *Education as a "fundamental interest."*

Education is a "fundamental interest" not only because of its extraordinary importance, but also because of the unique degree of state involvement in education and its intimate, "perservative" relationship to rights expressly rooted in the Constitution. Cf. *Reynolds v. Sims,* 377 U.S. 533, 562 (1964).

Nearly 50 million Americans participate in public education as students, professionals or other employees.[43] Nearly 90% of all American children are forced, by a combination of compulsory school attendance law and lack of viable alternative, to entrust their education to the public schools.[44] No other governmental enterprise has so firm or complete a grip on so many people. In no other field have the states so long and so deliberately assumed such complete, near monopoly responsibility and required the vast majority of their citizens to participate in a state-run enterprise. The states do not, for example, assume equivalent responsibility for their citizens' food and housing needs; they do not compel the vast majority of citizens to eat state food or live in public housing.

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[43] Simon and Grant, Digest of Educational Statistics 2, 5 (HEW 1970).

[44] *Ibid.* at 2.

Even more significant, rights to free speech, press, association, and the other political and civil rights guaranteed by the Constitution are inextricably intertwined with the quality and quantity of public education. Daniel Webster put the case well when he said "On the diffusion of education among the people rest the preservation and perpetuation of our free institutions."[45] Both the Court and Congress have recognized this special relationship between education and voting rights. In *Gaston County* v. *United States*, 395 U.S. 285, 289 (1969), for example, this Court noted that

> "The legislative history of the Voting Rights Act of 1965 discloses that Congress was fully cognizant of the potential effect of unequal educational opportunities upon exercise of the franchise. This close relationship was, indeed, one of the principal arguments made in support of the Act's test-suspension provisions."

It then proceeded to weigh disparities in educational opportunities afforded black and white children in Gaston County, including differences in teacher salaries and certification, and in "per-pupil valuation" of school property used to educate black and white children. 395 U.S., at 294. It concluded that such disparities had the effect of subjecting many children to a "subliterate education" with "little inducement to enter or remain in school," resulting in a disastrous impact upon their ability later to function as voters. The force of *Gaston's County's* reasoning is not dissipated by suspension of voter literacy tests. More recently, in *Wisconsin* v. *Yoder*, _____ U.S. ______, _______, 32 L.Ed. 15 (1972), this Court "accepted" the "propositions" that "some degree of education is necessary to prepare citizens to participate effectively and intelligently in our open political system if we are to preserve freedom and independence . . . [and] education prepares individuals to be self-reliant and self-sufficient participants in society." [46] One set of scholars has concluded,[47]

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[45] Quoted in President Richard M. Nixon's American Education Week Proclamation, Proclamation 4144, July 26, 1972.

> "Among all of the significant determinants of political consciousness and political participation, schooling appears to predominate. Almond and Verba describe the overwhelming importance of education in determining political orientation and postulate several means by which education relates to political orientation. The more educated person tends to exhibit a greater awareness of government's impact on the individual than is the case for persons of less education. Moreover, the more

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[46] As long ago as 1925 this Court tacitly recognized that the right to an adequate education was a "fundamental" right reserved to the people under the Ninth Amendment, if not expressly granted by the Constitution. *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925). Cf. *Griswold* v. *Connecticut*, 381 U.S. 479 (1965); Black, The Unfinished Business of the Warren Court, 45 Washington Law Review 1, 35-45 (1970).

[47] Guthrie, Kleindorfer, Levin & Stout, *supra* n.21, at 165-167.

educated the individual, the greater his awareness of political issues, the greater is the range of persons with whom he discusses politics, the more likely he is to be a member of a political organization, and the more positive are his attitudes about the ability of people to govern themselves in a democratic fashion.

Empirical evidence of the schools' effects on political attitudes is found in the extensive study of Hess and Torney. They examined the backgrounds and attitudes of approximately 10,000 elementary school students in grades two through eight selected from 16 middle class and 16 working class schools in eight cities. On the basis of their analysis, they conclude that, "... the school stands out as the central, salient, and dominant force in the political socialization of the young child."

Given this background, it is no surprise that virtually all studies on the subject have found a strong positive relation between educational attainment and political participation. Agger and Ostrom found education to be even more significant than income in predicting political participation. Education appears to be particularly important in explaining who is likely to cast a ballot. Moreover, the greater the individual's educational attainment, the more likely he is to become involved psychologically in politics. One of the best known authorities on the subject concludes:

"Perhaps the surest single predictor of political involvement is number of years of formal education." In short, the link between education on the one hand, and political participation and potential efficacy on the other has been well documented. Persons with higher educational attainment are more able and more likely to become involved in the political process and to influence the outcome of those issues that affect them. Persons with lower levels of education not only are not as

> knowledgeable concerning political issues, and thus not as likely to be aware of matters affecting themselves, but also are less well informed about the entire political process and thus not as capable of expressing their views even when they are aware of relevant issues. Clearly, lack of schooling or lack of good schooling restricts one's ability to exercise his political rights." (Footnotes omitted)

When the state teaches future voters to read, instructs them in civics and economics, and cultivates their interests and tastes, it is engaged in activity so closely related to essential constitutional rights that it may not practice invidious discrimination absent the most "compelling necessity." None is even suggested.

b. *"Wealth" as a "suspect" category.*

Equally fatal to the challenged statutory scheme is its endemic focus upon local wealth as a basis for allocating school dollars. It matters little that the "wealth" in issue is collective and not that of plaintiffs themselves, or that in a few districts—we are cited examples in Kansas[48]—there may be poor correlation between family income and assessed valuation per student. This Court laid such objections to rest in *Bullock* v. *Carter*, 405 U.S. at 144, where it invalidated onerous candidate filing fees on the basis of their impact upon a collective —"the less affluent segment of the community" without regard to the candidate's own economic status—and despite the fact that there were "doubtless some instances" where the "less affluent" were unaffected.

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[48] Appellants' Brief, at p. 23.

What emerges from the record in this case is that Texas' scheme for funding public schools imposes "built-in headwinds" unrelated to any educational objective upon children who live in "poor" districts. Cf. *Griggs* v. *Duke Power Co.*, 401 U.S. 424, 432 (1971).

2. The challenged scheme for funding public schools fails even the less stringent test of rationality.

The Court need not reach the "fundamental interest" or "suspect category" issues, for the Texas "system"[49] of funding public schools fails even the most lenient test of equal protection—whether a legislative classification is rationally calculated to further legitimate objectives of the statutory scheme. *Reed* v. *Reed*, 404 U.S. 71 (1971). Appellants ask the Court to certify the Texas statutory scheme as "rational" on the articulated ground that it makes possible "local control." That simply isn't so, for this statutory scheme is as "extraordinarily ill-fitted to that goal" as was the Texas filing fee system held unconstitutional in *Bullock* v. *Carter*, 405 U.S. at 146.

To begin with, this litigation has nothing to do with how local districts expend their funds. Indeed, even with respect to funding, the decision below does not prohibit all techniques for achieving local control of revenue raising. And the fact is that the challenged scheme actually interferes with and makes impossible any genuine measures of local control; it arbitrarily confines haphazardly drawn and unequally endowed school districts largely to the revenues yielded by local property taxes and not required for other governmental functions. What "control" does Edgewood, Philadelphia or Detroit, for example, have over its school crisis?[50] Districts are "poor" because low assessed valuation in the artificial boundaries drawn by the state minimizes the yield of even the most burdensome tax rate, and because of competing calls upon limited tax revenues. Such districts have little "control" over the gap between their needs and resources. They must suffer their children to be deprived while adjacent but more "affluent" districts meet or exceed their own school needs with substantially less tax effort. As one Federal Reserve Bank economist concluded, "Local options are severely limited under the present systems that closely tie school spending to the community's property tax base."[51]

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[49] One hesitates to call what Texas does a "system," for the challenged pattern of funding bears little evidence of anything so rational as a "system." See, for example, the appellants' inability to answer appellees' interrogatory asking whether Edgewood's boundaries were "a product of historical accident rather than any logical plan of development." (App. 167).

Rationality requires that Texas and its sister states allocate educational resources according to educational criteria rather than the accidental variation of local wealth or poverty.

B. The decision below opens the door to a sound educational policy.

There is no absolute assurance that affirmance of the decision below will be translated into additional funds for urban schools. Nor is there any guarantee that such a decision will not be misapplied by some to yield equal dollars per student on a statewide basis, ignoring crucial differences in costs and needs under the banner of a pseudo-equality of expenditure—despite the clear teachings of this Court that "the Fourteenth Amendment does not deny to states the power to treat different classes of persons in different ways," *Reed* v. *Reed*, 404 U.S. at 75, and that "The Constitution does not require things which are different in fact . . . to be treated in law as though they were the same." *Tigner* v. *Texas*, 310 U.S. 141, 147 (1940). But it has never been an answer to a charge of unconstitutionality that the unlawful regime might be replaced by one equally invidious or by one of doubtful wisdom.

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[50] Indeed, a significant portion of Detroit's current deficit arises from expenses incurred in implementing state-mandated reorganization programs that imposed $6 million in start-up costs. On the contrary, in the middle of the school year 1971-72, the state reduced its contribution to Detroit schools by $4 million, bringing the total below that of the previous year. Moving Papers, op. cit. *supra*, n.2.

[51] Weiss, Existing Disparities in Public School Finance 10 (1970). For a similar conclusion by the Advisory Commission on Indergovernmental Relations, see note 52 *infra*.

There is no necessity in this case for the Court to fashion any substitute scheme for allocating educational resources, or to choose among alternatives. *Bell* v. *Burson*, 402 U.S. 535 (1971). As the briefs in this case abundantly document, there are many permissible ways by which states may intelligently and rationally distribute their educational resources. Whether the choice is fully to assume the burden of raising and distributing school dollars to all of the states' school children, some form of "district power equalizing", or some other alternative, is a question, in the first instance, for the state legislatures.

The only issue before the Court is whether the scheme by which Texas allocates educational resources among its public school children deprives certain of them of equal protection.

C. The response to judicial decisions striking down statutory schemes like the one in Texas has been encouraging.

It is true that this Court must enforce the imperatives of the Constitution without regard to the popularity or lack thereof of its decisions. But the extraordinary response to decisions like the one below suggest that the inequities endemic to the Texas pattern of financing public schools are widely felt, that there is broad recognition that such patterns do great damage, and that there is a genuine willingness to use the legislative freedom such decisions make possible.

Nearly everyone who has studied the problem in depth has concluded that the statutory dependence of school funding upon local wealth has been unfortunate, and that the alternatives posited offer greater hope. The conclusion of the New York State Commission on Quality, Cost and Financing of Elementary and Secondary Education is typical. This group, popularly called the Fleischmann Commission, voiced the consensus when it wrote that:

> "It is repugnant to the idea of equal educational opportunity that the quality of a child's education, insofar as that education is provided through public funds, is determined by accidents of birth, wealth, or geography; that a child who lives in a poor district is, by reason of that fact alone, entitled to lower public investment in his education than a child in a rich district. It is unconscionable that a poor man in a poor district must often pay local taxes at higher rates for the inferior education of his child than the man of means in a rich district pays for the superior education of his child. Yet, incredibly, that is the situation today in most of the 50 states, and that is the case in New York.
>
> "The New York State school system does not provide educational equality. In fact, its structure insures the continuance of basic inequality in educational revenue raising and expenditure."

The Commission recommends that reliance upon local property taxes be replaced by full state funding of education costs, utilizing a state property tax or other statewide taxes. Prestigious organizations like the Advisory Commission on Intergovernmental Relations have come to similar conclusions, and appear to support the changes presaged by decisions like the one below.[52] President Nixon for example, in his January 20, 1972 State of Union Message promised that later this year he would make his "final recommendations for relieving the burden of property taxes and providing both fair and adequate financing for our children's education." The President's Secretary of Health, Education & Welfare, Elliott Richardson, on April 17, 1972, said:

> "We recognize as inherently inequitable and unfair the situation which now exists under which the disparity of local property taxes for school financing results in such wide disparities between one school system and another."

United States Commissioner of Education Sidney Marland, Jr., has characterized the California Supreme Court's decision as a

> "very fundamental breakthrough in the concept of equity in state educational systems."

He was quoted in the New York Times for January 10, 1972 as saying that the

> "overwhelming reliance on property taxes so basically hinged to fiscal financing today is regressive, anachronistic, and resting on inequity. From

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[52] ACIR, State Aid to Local Government, 14-16 (1969). The ACIR concluded that this "should leave ample room for local initiative and innovation in the field of public education," and indeed would free local school officials to concentrate on education. *Id.*, at 15.

> state to state the record shows that the present system of raising and allocating funds for the schools adds up to a rigged lottery and cheats students and taxpayers alike."

Even sociologist Daniel Moynihan, whose writings are much relied upon by appellants and their supporters, wrote in the New York Times on January 10, 1972 that

> "I would wish to repeat that the Texas school decision seems to me to be just, if only because it will strike most persons as adhering to a principle of fairness."

CONCLUSION

Decisions like the one below are not panaceas to all of the ills of public education. But they offer the hope that our problems can be dealt with intelligently and rationally. That hope was well expressed by Professors Berke and Kelly, who told the Senate Select Committee that what the courts have done is to

> "provide only an opportunity, not an answer, only a starting point for reform, not a solution to the unfairness and irrationality of the pattern of education in America."[53]

The undersigned are deeply concerned about urban education. They believe that substantial additional funds are needed for the schools of the central cities. They are convinced that any rational system for allocating educational resources will ultimately take into account differences in educational costs and burdens. They are prepared to take their case to the legislatures once school funding is freed of the straightjacket imposed by the unwarranted dependence of school funding on local wealth.

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[53] Inequality Hearings, 6652.

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APPENDIX

APPENDIX A

Growth of Property Values

Inside (CC) and Outside Central City (OCC) Areas 37 Largest Standard Metropolitan Statistical Areas 1961 & 1966

Area	% Values in CC 1961	% Values in CC 1966	% Growth in Values 1961-1966 CC	% Growth in Values 1961-1966 OCC
Washington	43.0%	34.9%	30.2%	83.6%
Baltimore	47.9	40.6	4.3	40.3
Boston	23.1	16.7	2.3	52.8
Newark	20.8	17.6	109.0	157.9
Patterson-C.P.	na.	na.	na.	na.
Buffalo	44.6	42.1	.3	11.0
New York	79.8	78.3	22.1	48.5
Rochester	49.4	41.6	2.5	40.8
Philadelphia	58.4	48.4	8.8	62.6
Pittsburgh	30.2	27.9	2.2	14.5
Providence	33.7	29.7	-.2	20.2
Northeast	43.1	37.8	18.2	53.2
Chicago	49.4	44.5	4.5	26.8
Indianapolis	50.1	43.4	14.0	49.5
Detroit	48.9	37.2	-4.6	54.3
Minn.-St. Paul	59.6	49.1	1.8	56.0
Kansas City	55.0	52.8	13.8	24.1
Cincinnati	42.3	30.6	7.4	67.5
St. Louis	32.8	29.8	5.7	21.2
Cleveland	40.4	34.3	-5.1	23.5
Columbus	57.9	56.0	21.9	31.6
Dayton	na.	30.3	na.	na.
Milwaukee	51.6	46.5	9.7	34.9
Midwest	48.8	41.3	6.9	38.9

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Area	% Values in CC 1961	% Values in CC 1966	% Growth in Values 1961-1966 CC	% Growth in Values 1961-1966 OCC
Miami	na.	29.2	na.	na.
Tampa-St. Pete	na.	na.	na.	na.
Atlanta	43.5	33.7	24.7	88.4
Louisville	50.9	49.1	227.3	251.8
New Orleans	83.0	78.2	10.2	49.6
Dallas	na.	na.	na.	na.
Houston	na.	51.7	na.	na.
San Antonio	72.3	na.	na.	na.
South	62.4	48.4	87.4	129.9
Los Angeles-L.B.	40.1	41.6	44.4	39.4
San Bernardino	na.	na.	na.	na.
San Diego	54.5	54.3	26.2	27.3
San Francisco	39.6	33.3	19.6	57.4
Denver	55.7	49.9	11.2	40.8
Portland	53.0	40.2	-23.4	28.8
Seattle	55.5	46.7	21.2	72.4
West	49.7	44.3	16.5	44.4
Total	48.9	41.9	21.1	54.4

Source: U. S. Bureau of the Census. 1962 Census of Governments. *Taxable Property Values;* U.S. Bureau of the Census. 1967 Census of Governments. *Taxable Property Values.* Vol. II.

APPENDIX B

Selected Fiscal Characteristics Central City and Suburban Areas 1970

1. Per Capita Total Expenditures for Government Services

City	Central City	Outside Central City	C.C./O.C.C. Ratio *
Baltimore, Md.	$638	$349	183%
Boston, Mass.	531	365	146
Philadelphia, Pa.	495	325	152
Cleveland, Ohio	512	368	139
San Antonio, Texas	252	258	98
Portland, Ore.	486	328	148

2. Per Capita Non-educational Expenditures

City	Central City	Outside Central City	C.C./O.C.C. Ratio *
Baltimore, Md.	$416	$134	310%
Boston, Mass.	392	188	209
Philadelphia, Pa.	321	122	263
Cleveland, Ohio	302	173	172
San Antonio, Texas	129	60	202
Portland, Ore.	298	115	259

3. Education Expenditures as a Percent of Total Expenditures

City	Central City	Outside Central City	C.C./O.C.C. Ratio *
Baltimore, Md.	35%	62%	56%
Boston, Mass.	26	49	53
Philadelphia, Pa.	35	63	56
Cleveland, Ohio	41	53	78
San Antonio, Texas	49	77	64
Portland, Ore.	39	65	60

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4. Taxes as a Percent of Income

City	Central City	Outside Central City	C.C./O.C.C. Ratio *
Baltimore, Md.	8.0%	5.1%	157%
Boston, Mass.	11.6	6.4	181
Philadelphia, Pa.	7.9	4.7	168
Cleveland, Ohio	9.6	5.2	184
San Antonio, Texas	4.0	2.4	166
Portland, Ore.	7.0	4.5	156

* Central City as percentage of Outside Central City.

Source: S. Sacks, and J. J. Callahan, Central City—Suburban Fiscal Disparities in the 72 Largest Metropolitan Areas, a report compiled from 1970 data of the U.S. Bureau of the Census, Local Government Finances in 72 Metropolitan Areas, prepared for the Advisory Commission on Intergovernmental Relations (1972).

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Mr. Gibson. I would, therefore, prefer to spend my time touching upon some of the highlights of our statement, and answering any questions which the chairman or any member of the committee might have with reference to the policies of the Council of Great City Schools. I will try not to repeat points which have already been made, because the speakers who have appeared before you, with possibly one or two exceptions, all come from districts which are members of the Council of Great City Schools. They have articulated positions which we certainly support.

With reference to this matter of full funding of title I, obviously the Council of Great City Schools supports that objective. We have done it each time we have met in terms of resolutions adopted by the board of directors. We, as a matter of course, forward those resolutions to the Congress and to the Office of Education, but the whole matter of support for full funding of title I is something that you have heard a lot about. So I am going to pass that for a minute and suggest a fallback position if full funding does not appear feasible.

In some research conducted by our staff we find that not only are there not sufficient increases in appropriations to permit title I to achieve its objectives, but also in an indirect, but in a very positive sense, the limited appropriations are increasing the financial burdens on the local subdivisions.

In the materials which we have submitted, you will find a chart which will be the first exhibit. It compares the increase in local support for education with the increase, or lack thereof, in title I appropriations in the period between 1966 and fiscal 1972 for 13 cities.

When we examine this information we find that with all the problems our local subdivisions are having, particularly our large cities, the large cities which are members of the Council of Great City Schools, with all of their problems many of these districts have substantially increased local support for education. However, the latest computation we have shows a 16.9-percent increase in title I. We have somewhere in the neighborhood of an 80 percent increase in State and local subdivision expenditures for education in the 1966–1972 period. So, clearly there has not been a concomitant increase in title I expenditures. Assuming we maintain the level of local output we find that because of inflation, material, supply, and salary costs go up. So without really talking about expanding the program each year, the title I funded programs cost more.

The chart that we have drafted computes what the title I appropriation for fiscal 1972 would have been if there had been an increase in that local subdivision's title I expenditures commensurate with the increase in local effort. It shows the degree that the Federal output has fallen short.

We find some interesting things and some very depressing statistics. The most dramatic, of course, is Chicago, where there has been between 1966 and 1972, an 85.4-percent increase in local revenues, but an increase in title I in 1972 that falls some $22 million short of what an appropriation would have been if the title I appropriations percentage had kept in close step with the local level.

We would argue against any contention, therefore, that our member school districts are sitting back and expecting to receive Federal money and therefore not expanding local effort. Certainly these statistics would indicate that has not been the case. The local subdivisions have been doing everything they possibly could do. They have been increasing their support and on a percentage basis that support has been higher than that coming from the Federal programs.

So we would suggest that at a minimum, if it is not possible, politically or otherwise, to fully fund title I, each year the title I appropriations be at least the amount which is necessary to keep the title I appropriations in terms of increase, at the same level as the median or the mean local subdivision or State increase, so that title I does not fall further behind the local subdivisions with the ultimate result being that the title I program becomes a burden upon the local subdivision.

I have not heard that articulated thus far, and it is a position of the council which would be endorsed by our member districts, and by our board of directors.

Again, I want to emphasize that our formal position is, and our policy favors full funding of title I and I know you have been asking questions about that. The council is unequivocal in its support. But at least if that cannot be done, don't keep the appropriations at such a level that title I actually indirectly worsens our financial situations.

Another concern which has already been addressed is this whole matter of timeliness of the appropriation and we are fully aware that this committee certainly is not responsible for that. There have been problems, which we are all aware of, with the administration, but the impact of late allocations takes its toll regardless of the source of the lateness.

The capable administrators who addressed you earlier today pointed out some of the problems, and they are rather obvious. Money received during the middle of the school year cannot be as effectively used as the funds received earlier. There are planning problems.

What happens when the Congress passes a series of continuing resolutions is that there are really two approaches taken by school districts. Some of them gamble and assume that the level of appropriations will be at least as high as the previous year, and run the risk of having to cut back before the end of the school year in a program, or run some sort of deficit, or having to apply local funds. Others take the sort of safe route of cutting back in the program. Of course, this has the problem that, if title I or the ESEA appropriations do arrive, there is a wastage of startup costs which can be rather substantial.

The delays in funding all of the programs across the board serve to retard the introduction or the use of these funds for innovative-type programs, particularly those which require some capital outlay or staff retraining, or the purchase of materials. In a situation where schools are not sure how much they are going to get, or whether the funds are going to arrive, obviously, they are a little hesitant to start really innovative or new types of things, but sparking innovation was one of the original intentions of title I.

Chairman PERKINS. Without objection, the remainder of your statement will be inserted in the record.

I would like to ask you two or three questions before I have to leave.

Mr. GIBSON. Certainly

Chairman Perkins. You are just about finished anyway aren't you?

Mr. Gibson. Yes, I just had two brief points I would like to mention.

Chairman Perkins. Maybe if it is going to be long, it will be about 20 minutes before I can get back here.

Mr. Gibson. I am going to be just a minute or two on these points, and then I would be pleased to entertain your questions.

Chairman Perkins. Go ahead.

Mr. Gibson. First, there is a matter of substantial concern to us with the *Serrano* case and the national concern for equalization of per pupil expenditures. We are concerned that the States will not be permitted to use Federal funds to accomplish true equalization. Equalization in most States would involve the giving of funds to rural subdivisions which do perhaps have some of the problems that urban subdivisions have, but which perhaps do not have the tax base. Now we believe that in any type of equalization effort by the Federal Government, you must take into account spending, the value of the dollar. Equalization must be on the basis of the purchasing value of the funds, rather than just a per pupil allocation.

Obviously, in the cities costs of everything are higher. Labor is more expensive. It is going to cost us more to keep our school buildings clean. Our materials are more expensive. So, if you take any type of equalization approach, please take into account the problems which cities have in terms of cost of living, and the cost of things to the school district. Furthermore, as has been articulated previously, it is the position of the council that equalization efforts should not be taken at the expense of the compensatory programs.

The last concern is this whole matter of the use—you have heard it from the previous speaker—of the 1960 census data in determining the 1973 title I allocation.

This is something that the council has been concerned about since March. We have sent letters, we have tried, we have had meetings and it just makes absolutely no sense to us. In fact, we believe that the intention of the legislation is not being met. The requirement that the latest available information be used is not being followed.

Chairman Perkins. I am going to interrupt you and recess for about 20 minutes.

(Recess.)

AFTERNOON SESSION

Chairman Perkins. The committee will come to order, please.

Mr. Gibson. Your record of making rollcall votes, Mr. Chairman, is known nationally, so we all understand that.

I want to, if I may, backtrack just to cover one point which I covered before. In the haste of the last couple of minutes, I think I did not deal with it adequately and may have even misstated my position.

As a spokesman for the council, I want to be clear as to its position with reference to equalization. Our concern is that with the *Serrano*-type cases, such as *Rodriguez* which will be heard next month, I think on October 12, by the Supreme Court, that if the Supreme Court comes down with a mandate for interstate equalization, our concern is that the States will look to the Federal Government for the resources to accomplish the equalization and that it will be eventually at the expense of the compensatory programs. That is what we consider to be undesirable, and we want to go on record early as opposing that.

The additional point which I was making with reference to equalization is, even if we take and set aside the concerns with reference to the compensatory programs, equalization is not really equalization unless we take into account the purchasing value of the dollar in the particular locale and to the school district involved. Those were the two points which I was making as to the council's position with reference to equalization efforts.

Incidentally, we have submitted an amicus curiae brief together with other urban concerned organizations to the Supreme Court pointing out this concern and also the additional factor which we hope the Court will take into account, namely, of the inordinate demands on the municipal budgets for other municipal services, some, of course, which are shared during the daytime by residents who do not live within the city tax boundaries.

With reference to this whole matter of the use of the current census material, of course, there is no mandate in the legislation that the census be used for determining the number of children in families with incomes of $2,000 or less, anyway.

In 1966, when the 1959 census or the 1960 census was used, that was bad enough. They were starting out with old data. But it is the opinion of the council that it adds insult to injury to continue to use this data since there has been a new census conducted, the material gathered in 1969, and, of course, that being the 1970 census.

Chairman Perkins. Go ahead.

Mr. Gibson. It is our position, as has been articulated by prior speakers, that the most recent information available should be used, and indeed that is the legislative intent. Our staff has made a computation as to what that would mean in terms of—if not fund shifts—what type of population changes there have been.

The most dramatic, of course, again, is Chicago, where there has been in excess of a 400-percent increase from 1959 in children in families whose annual income is less than $2,000. It varies within the municipal areas, but it is very clear that over the period since 1959, the cities have taken more than their share of children in poor families.

Now rather than cover any other points which are set forth in detail in my statement, I would rather answer any questions which the chairman or any member of the committee may have.

Chairman Perkins. First let me compliment you on an outstanding statement. Your organization has been before the committee several times, and I think last year you accompanied your organization here if I recall correctly.

Mr. Gibson. I have been present a few times. The last time I testified was not as a representative of the organization, but as a member of the Baltimore City School Board. Of course, the president of the council most frequently is the spokesman.

Chairman Perkins. Yes. Now, as a professor and instructor in law, assuming that the Court required the expenditure of the same amount of money in the ghettoes and in the rural areas where they have inadequate resources, in your judgment, who would be required to provide that money?

Mr. Gibson. Of course, the present cases before the Supreme Court, or case before the Supreme Court deals only with the issue of the local effort, the State responsibility in education and the State's responsibility in terms of providing equality of educational support. It does not address itself specifically to the matter of the compensatory programs which are needed. The types of problems which cities and depressed rural areas have are national concerns which have been recognized, and it is our position that after the local effort has been equalized the Federal Government should assist in equalizing educational expenditures for specific groups such as the handicapped and the poor.

Chairman Perkins. Well, my point is, you and I know that we are not contributing enough from the Federal level to support elementary and secondary education, or higher education. But be that as it may if the Court so ruled, the funds would have to come from the local levels unless Congress sees fit to make the appropriations, and there may be difficulty to get Congress in that mood. I hope I am wrong.

So we are going to have this great disparity in the financing of education unless, in my judgment, the Congress becomes the equalizing factor more or less, because so many of the local areas, local educational agencies, just do not have the resources. So even though the court rules, in my opinion, you are never going to get justice unless the Congress really comes in and serves as the equalizing factor.

Mr. Gibson. We have no objection to that, provided that this is not done at the expense of the compensatory programs or at the expense of the recognition of the fact that there are problems of economic deprivation, of the physically handicapped, and of the federally impacted areas and other national type problems which manifest themselves in some of our school districts more than others. As long as the equalization effort is conducted without doing injury to concerns in these areas, there will be no objection from the big cities.

Chairman Perkins. In these school districts where we do not have the resources, have you made a study to determine the most equitable approach to adequately funding education? At the elementary and secondary level?

Mr. Gibson. I am not sure I understand the question, Mr. Chairman.

Chairman Perkins. Well, where should we go to get the money if the courts do rule that the local educational—that the poorer districts are entitled to the same expenditures as the wealthier communities?

Mr. Gibson. Of course, it's come to be a cliche now, but the position of the council would be that it is a matter of reordering priorities and that the money should come through the reduction of Federal expenditures perhaps in other areas. I hope I am right, stating more my position than the position of the council, because we have not taken a specific position, but we have talked about the necessity for Federal reordering of priorities to get the funds necessary to adequately support education.

Chairman Perkins. Is it your opinion that the best way to strengthen quality education for the disadvantaged children in the country at the elementary and secondary level is through title I, or should we take some other approach?

Mr. Gibson. To reach the needs of the economically disadvantaged, we believe that title I is the best avenue because it is pinpointed. We aren't saying that title I would solve all of the needs of elementary and secondary education, and additional types of support should continue, but in terms of economically disadvantaged, yes, we would like to see title I as presently set up, with some minor changes, extended.

Chairman Perkins. Well, I would like to personally see title I fully funded, and at the same time, on top of that, go to general aid. But I know how difficult that job will be. But with limited funds, in what direction should we go from here?

Mr. Gibson. It is the feeling of the council, and we have discussed this, that we would support full funding of title I. Frankly we don't believe that in most cases our member districts, the big cities, have had the best experience they could possibly have in terms of the relationship or the support from the State governments. We had a study conducted as to the use of the emergency employment funds. If that is any kind of indication as to how general aid is going to be handled at the State level in terms of the ultimate uses by the local municipality, and particularly school systems, we don't like the direction that indicates.

Chairman Perkins. In determining, in making and expressing a priority, if I understand you correctly, it is your opinion that we should fully fund title I before we go in the direction of general aid from the standpoint you feel that the priorities should go to the disadvantaged youngster at this time, and that we should fully take care of that situation as much as we can under the present authorization?

Mr. Gibson. That is true, and that is the position of the Council of the Great City Schools.

Chairman Perkins. Thank you very much. You have made an excellent witness, and I think you have been most helpful to the committee.

Mr. Gibson. Thank you.

Chairman Perkins. We will hear from the other distinguished gentlemen next week. We will recess until 10 o'clock tomorrow.

(Whereupon, at 2 p.m., the hearing was adjourned, to reconvene at 10 a.m., on Thursday, September 28, 1972.)

OVERSIGHT HEARINGS ON ELEMENTARY AND SECONDARY EDUCATION

THURSDAY, SEPTEMBER 28, 1972

House of Representatives,
Committee on Education and Labor,
Washington, D.C.

The committee met at 9:30 a.m., pursuant to adjournment, in room 2175, Rayburn Office Building, the Honorable Carl D. Perkins, chairman of the committee, presiding.

Present: Representatives Perkins, Mazzoli, Quie, and Ruth.

Chairman **Perkins**. The committee will come to order. Our first witness this morning is Mrs. Irene H. Myers, assistant to the superintendent for Federal projects, Orangeburg City Schools, Orangeburg, S.C.

Come around Mrs. Myers. We are delighted to welcome you here this morning. Without objection, your prepared statement will be inserted in the record, and you may proceed in any manner you prefer. Go ahead.

STATEMENT OF IRENE H. MYERS, ASSISTANT SUPERINTENDENT FOR FEDERAL PROJECTS, ORANGEBURG CITY SCHOOL DISTRICT NO. 5, ORANGEBURG, S.C.

Mrs. **Myers**. Mr. Chairman and members of the subcommittee, I am Irene Myers, assistant superintendent for Federal programs in Orangeburg School District No. 5, Orangeburg, S.C. So that you can understand my frame of reference, I will briefly state my background.

I attended public schools, private colleges, and State universities in South Carolina and Georgia. I am a former classroom teacher and school counselor. My involvement with ESEA programs began in early 1966 when I was deferred from the classroom and displaced as a counselor by my district superintendent to become the Federal coordinator for a small rural district. Since that time I have had the opportunity to work with an ESEA title III regional staff and that evolved into my current position in Orangeburg School District No. 5.

I have seen great things happen through these programs. These experiences with various programs have proved very valuable. Now involved in district endeavors, my activities range from assessment, to planning, to designing, to implementing, to administering, and evaluating programs.

Orangeburg County is located about 35 miles southeast of Columbia, capital of the State. There are eight school districts in the county and Orangeburg School District No. 5 is often referred to as the Orangeburg City Schools serving the population which numbers roughly 16,000 in and around this county seat.

The county is noted for its agricultural activities and more recently for its industrial growth. There are approximately 8,700 school age children residing in district 5. Of this number, 6,739 students were enrolled in public schools in the district during the 1971–72 school session, and according to the income survey conducted at the beginning of that session, 3,137 students came from homes where the family income was $3,000 or below.

There were approximately 1,901 students enrolled in private schools in the district, with an income survey from one small school showing 18 students enrolled from homes where the family income was $3,000 or below.

Based on the above figures, 35.7 percent of the students enrolled in the district are from low income families. However, the incidence among the public school population is higher with approximately 46.6 percent of the students enrolled from homes where the family income is $3,000 or below.

According to the data on file, the incidence in one school runs as high as 52 percent, and all schools in the district are now eligible for the title I programs. Last year, 1971–72, 1,113 students participated in title I activities.

This eligibility of all schools has developed as new school organizational plans have been designed in the district and these plans have necessitated restructuring programs in all schools.

A geographical zoning plan was implemented for the 1970–71 session. Following the Swann decision in the spring of 1971, a new organizational plan was implemented in August 1971. This plan paired elementary schools in two zones forming a grade 1–2 school, a grade 3–4 school, and a grade 5–6 school in each zone.

One elementary school remained a grade 1–6 school as one zone serving students in the center of town. The two junior highs were paired with one becoming a grade 7 school and one becoming a grade 8 school, as were the senior high schools, with one becoming the grade 9–10 school and the other becoming a grade 11–12 school.

Eleven schools operated grades 1–12 with kindergarten children served in a demonstration school originally established as a regional ESEA title II activity.

This plan has been modified and there are 10 schools operating for the 1972–73 session, six elementary and four secondary with the small single school elementary zone and the title III activity having been phased out.

All schools in the district are accredited by the State of South Carolina and by the Southern Association of Colleges and Schools. The district has made a very positive effort in effecting these organizational plans.

These changing plans and restructuring of programs have developed a sharper district awareness of the needs of educationally deprived children which are served by ESEA title I activities as these children are concentrated in large numbers at the various grade levels and schools now view levels of needs more objectively.

The needs assessment based on data collected in the district public schools during the 1971–72 session indicates a very critical need in reading at fourth grade level with the difference ever greater at the seventh grade level. The assessment indicates an even more critical need in mathematics at the fourth grade level with the difference even greater at the seventh grade level. According to the best information available, the percentage of dropouts is above the criteria established as critical for the State.

This information should not be interpreted as indicative of an inferior educational program. Orangeburg School District No. 5 has one of the better educational programs in our State and has been cited from time to time for its efforts.

It also has excellent resources. One of its greatest resources lies in its personnel. All faculty members hold degrees, are certified by the State, and 49 percent of the professional persons employed hold master's degrees or above.

Another important resource is the cooperation received by the district from private and State institutions of higher learning, particularly from South Carolina State College in Orangeburg and from the University of South Carolina in Columbia.

Another important resource is the Orangeburg community.

What this data does indicate is the need for continued and intensive efforts to assist the educationally deprived student in developing skills required for academic success.

It has not been possible to meet the needs of all identified students. There are reasons for this. ESEA title I activities are compensatory. They are "up and above" and "in addition to" the regular school offerings for an identified group of students.

There is a limit to the number of students who may participate in any special activity; there is a limit to personnel available to carry out special activities. There is also a time limitation for student activities within the school day and a financial limitation for supporting activities.

Individual assessment is required to determine individual needs and much individualization of instruction is needed to meet the identified needs. The student educational need may be related to a physical, social or emotional need and support services are necessary to alleviate such needs.

Clearly, the needs exist and activities to meet these needs are vital to students and to our society. Orangeburg School District No. 5 currently has ESEA title I reading activities grades 1 to 12, has a prevocational activity to prevent dropout for grades 9 to 10, and is implementing activities grades 1 to 6 in mathematics.

Orangeburg School District No. 5 has also concerns. One concern is funding. The district data substantiates the need for continued activities for educationally deprived students, and this requires Federal funding.

Another concern is programs. The district has some sound programs which are meeting the needs of a limited number of identified students. Objective assessment instruments for the entering students and primary students are not always accurate. Many students have strengths that are not identified at this early level by paper-and-pencil instruments and many weaknesses that are not identified early enough.

Consequently the activities often become a "remedial" program of activities at a higher grade level. If funds were made available to strengthen instructional programs to develop basic verbal and quantitative skills at an early level, the needs might not be as great at a higher level.

This would also eliminate, to a degree, the likelihood of a stigma being attached to special activities which is difficult to avoid.

Another concern is revamping programs to meet the identified needs. There is a need to work with individual school personnel to develop new methods and techniques for these identified students in regular classroom situations and funds are not available from local or State sources.

This would move from traditional practices and failure to individualization and success.

I could go on and on and reach into the realm of facilities, enrichment, and many others.

Let me simply summarize.

There is a need for continued efforts for educationally deprived students. Local school districts need the type of assistance afforded by ESEA title I in meeting the needs of these students. The effort has been effective as shown by objective evaluation, but this effort must be intensified. Local schools are aware of the needs, and in many instances know how to alleviate the needs. In other instances, the schools need assistance for research and for developing better ways.

Teachers need support for designing, implementing, and carrying out activities to meet the needs in classrooms in person-to-person situations.

Limited funding with increased costs will have an adverse effect and lead to curtailment of present efforts.

Orangeburg School District No. 5 has increased its local effort each year, but faces a critical situation with loss of pupils and loss of funds because of the pupil loss, most of which is white flight. State resources are limited. The district needs assistance.

I thank you for the opportunity of presenting this information. We will be happy to provide additional information.

With no disrespect, we are lifting our eyes to the Hill for assistance.

(Mrs. Myers' prepared statement follows:)

STATEMENT OF IRENE MYERS, ASSISTANT FOR FEDERAL PROGRAMS, ORANGEBURG SCHOOL DISTRICT NO. 5, ORANGEBURG, S.C.

Mr. Chairman and Members of the Committee: I am Irene Myers, Assistant Superintendent for Federal Programs in Orangeburg School District #5, Orangeburg, South Carolina. So that you can understand my frame of reference, I'll briefly state my background. I attended public schools, private colleges and state universities in South Carolina and Georgia. I am a former classroom teacher and school counselor. My involvement with ESEA programs began in early 1966 when I was "deferred from the classroom and displaced as a counselor" by my district superintendent to become the federal coordinator for a small rural district. Since that time I have had the opportunity to work with an ESEA Title III regional staff and have evolved into my current position in Orangeburg School District #5. I have seen great things happen through these programs. These experiences with various programs have proved very valuable. Now involved in district endeavors, my activities range from assessment, to planning, to designing, to implementing, to administering and through evaluation of programs.

Orangeburg County is located about 35 miles southeast of Columbia, Capital of the state. There are eight school districts in the county and Orangeburg School District #5 is often referred to as the Orangeburg City Schools serving the population which numbers roughly 16,000 in and around this county seat. The county is noted for its agricultural activities and more recently for its industrial growth. There are approximately 8,700 school age children residing in District Five. Of this number 6,739 students were enrolled in public schools in the district during the 1971–1972 school session and according to the income survey conducted at the beginning of that session, 3,137 students came from homes where the family income is $3,000 or below. There were approximately 1901 students enrolled in private schools in the district with an income survey from one small school showing 18 students enrolled from homes where the family income was $3,000 or below.

Based on the above figures, 35.7% of the students enrolled in the district are from low income families. However, the incidence among public school population is higher with approximately 46.5% of the students enrolled from homes where the family income is $3,000 or below. According to the data on file, the incidence in one school runs as high as 52% and all schools in the district are now eligible for Title I programs. Last year, 1971–72, 1,113 students participated in Title I activities.

This eligibility of all schools has developed as new school organizational plans have been designed in the district and these plans have necessitated restructuring programs in all schools.

A geographical zoning plan was implemented for the 1970–1971 session. Following the Swann decision in the spring of 1971, a new organizational plan was implemented in August 1971. This plan paired elementary schools in two zones forming a grade 1–2 school, a grade 3–4 school, and a grade 5–6 school in each zone. One elementary school remained a grade 1–6 school as one zone serving students in the center of town. The two junior highs were paired with one becoming a grade 7 school and one becoming a grade 8 school as were the senior high schools with one becoming the grade 9–10 school and the other becoming a grade 11–12 school. Eleven schools operated grades 1–12 with kindergarten children served in a Demonstration School originally established as a regional ESEA Title III activity.

This plan has been modified and there are ten schools operating for the 1972–1973 session K–12; six elementary and four secondary with the small single school elementary zone and the Title III activity having been phased out. All schools in the district are accredited by the State of South Carolina and by the Southern Association of College and Schools. The district has made a very positive effort in effecting these organizational plans.

These changing plans and restructuring of programs have developed a sharper district awareness of the needs of educationally deprived children which are served by ESEA Title I activities as these children are concentrated in large numbers at the various grade levels and schools now view levels of needs more objectively. The needs assessment based on data collected in the district public schools during the 1971–1972 session indicates a very critical need in reading at fourth grade level with the difference even greater at the seventh grade level. The assessment indicates an even more critical need in mathematics at the fourth grade level with the difference even greater at the seventh grade level. According to the best information available, the percentage of drop-outs is above the criteria established as critical for the state.

This information should not be interpreted as indicative of an inferior educational program. Orangeburg School District #5 has one of the better educational programs in our state and has been cited from time to time for its efforts. It also has excellent resources. One of its greatest resources lies in its personnel. All faculty members hold degrees, are certified by the state, and 49% of professional persons employed hold Masters degrees or above. Another important resource is the cooperation received by the district from private and state institutions of higher learning, particularly from South Carolina State College in Orangeburg and from the University of South Carolina in Columbia. Another important resource is the Orangeburg community.

What this data does indicate is the need for continued and intensive efforts to assist the educationally deprived student in developing skills required for academic success.

It has not been possible to meet the needs of all identified students. There are reasons for this. ESEA Title I activities are compensatory. They are "up and above" and "in addition to" the regular school offerings for an identified group of students. There is a limit to the number of students who may participate in any special activity; there is a limit to personnel available to carry out special activities. There is also a time limitation for student activities within the school day and a financial limitation for supporting activities. Individual assessment is required to determine individual needs and much individualization of instruction is needed to meet the identified needs. The student educational need may be related to a physical, social or emotional need and support services are necessary to alleviate such needs.

Clearly, the needs exist and activties to meet these needs are vital to students and to our society. Orangeburg School District No. 5 currently has ESEA Title I reading activities grades 1–12, has a prevocational activity to prevent drop-outs for grades 9–10, and is implementing activities grades 1–6 in mathematics.

Orangeburg School District No. 5 also has concerns. One concern is funding. The district data substantiates the need for continued activities for educationally deprived students and this requires federal funding. Another concern is programs. The district has some sound programs which are meeting the needs of a limited number of identified students. Objective assessment instruments for the entering students and primary students are not always accurate. Many students have strengths that are not identified at this early level by paper and pencil instruments and many weaknesses that are not identified early enough. Consequently the activities often become a "remedial" program of activities at a higher grade level. If funds were made available to strengthen instructional programs to develop basic verbal and quantitative skills at an early level, the needs might not be as great as a higher level. This would also eliminate to a degree the likelihood of a stigma attached to special activities which is difficult to avoid. Another concern is revamping programs to meet the identified needs. There is a need to work with individual school personnel to develop new methods and techniques for these identified students in regular classroom situations and funds are not available from local or state sources. This would move from traditional practices and failure to individualization and success. I could go on and on and reach into the realm of facilities, enrichment, and many others.

Let me simply summarize. There is a need for a continued efforts for educationally deprived students. Local school districts need the type of assistance afforded by ESEA Title I in meeting the needs of these students. The effort has been effective as shown by objective evaluation, but this effort must be intensified. Local schools are aware of the needs and in many instances know how to alleviate the needs. In other instances, the schools need assistance for research and for developing better ways. Teachers need support for designing, implementing and carrying out activities to meet the needs in classrooms in person to person situations. Limited funding with increased costs will have an adverse effect and lead to curtailment of present efforts.

Orangeburg School District No. 5 has increased its local effort each year, but faces a critical situation with loss of pupils and loss of funds because of pupil loss, most of which is white flight. State resources are limited. The district needs assistance.

I thank you for the opportunity of presenting this information. We will be happy to provide additional information. With no disrespect, we are lifting our eyes to this Hill for assistance.

Chairman Perkins. What did you say about the court order?

Mrs. Myers. We have been under court order, I believe since 1964.

We had "freedom of choice" and this order was changed, and, for the 1970–71 school year, we were required to revise this school plan, and we went to geographical zoning.

We had one former all-black high school, one former all-white high school. We operated 1 year under geographical zoning. This was challenged, and following the *Swann* decision we were required to revamp that plan.

We then went to a pairing system, and we paired all students in the district, the elementary schools were paired in two zones.

We now have all the schools paired on the secondary level.

Chairman Perkins. Let me ask you, how do you feel that we can best provide quality education from your experience with title I in Orangeburg, improve education for the disadvantaged youngster at the elementary-secondary level? Is there some way that we can make title I more effective or have other programs to substitute for it? If so, give me your viewpoint.

Mrs. MYERS. Sir, we have found that as we paired the schools, and as I pointed out, where we concentrate, for example, students kindergarten through grade 2, there are some needs that we can't always identify by standard instruments. If we could have some assistance to strengthen this program and build basic skills, we feel that these students perhaps would not get the two or more grade levels behind and find it more difficult to catch up later on.

We need special programs in reading and in skill building for junior high and secondary students. But we also feel we need to change the approach, and this means working with teachers. Some of them would like to do better. Most of them do a very good job, but we have got to move away from traditional programs if we are going to help these children. They come to school with certain strengths that maybe teachers don't recognize in traditional classrooms, and they identify weaknesses.

We are trying to have teachers look at them very positively, build on their strengths and provide experiences to build skills for them to be successful.

The compensatory program has been great, but we have not been able to provide for all of the children because they need individualization, and there is a limit as to how much time is available above regular school offerings for this type of activity.

It is the secondary level that is difficult. They don't want to——

Chairman PERKINS. Do you have access to trained personnel to give the individualization in special education programs such as reading and math if you had the funds to do the job?

Mrs. MYERS. If we had the funds we could select teachers and provide training. What we need is additional personnel up and above our State allocation of personnel. We are credited, our elementary ratio runs about one teacher to 29 students and it is difficult to individualize. If we could even get support personnel, teacher aides, people who can help that teacher break that relationship down for children.

Chairman PERKINS. Thank you very much. You have been very helpful to the committee and we appreciate your appearance here this morning.

Mrs. MYERS. Thank you.

Chairman PERKINS. Our next witness is Mr. Horace Dennis, director of Federal programs, Huntsville City Schools, Huntsville, Ala.

STATEMENT OF HORACE DENNIS, JR., DIRECTOR OF FEDERAL PROGRAMS, HUNTSVILLE, ALA.

Mr. DENNIS. Mr. Chairman, it is a pleasure to be able to address you this morning. I would like to endorse basically what Mrs. Myers has said. I thought she had some very good remarks and I would like to present mine just a little bit differently.

Chairman PERKINS. All right. Without objection, your prepared statement will be inserted in the record. You may proceed in any way you prefer.

Mr. DENNIS. Thank you. I have responsibility for most all the programs in the Huntsville system with direct responsibility for the title I program, implementation, administration, and evaluation of that program.

The Huntsville City School System is composed of some 40 schools with a student population of over 35,000 students, and with the space age growth in the Huntsville area, we expanded rapidly in a short period of time, going from some 17 schools to some 40 very rapidly. We had to make a lot of changes in the school curriculum, building new schools and keeping up with the explosion that we enjoyed there, but we think we have done this and we have a fully integrated school system.

We are under a court order, but it has been fully implemented. We have recently been cited as the only school in our area to meet comparability in the title I program. We are extremely fortunate in having a couple of other federally funded programs available to us, and we coordinate all of our title I activities with these other programs to insure that there is no duplication or waste of funds by having other programs.

An example of this is that title I is used in the followthrough program to the tune of about $90,000 this year, title I funds, with a total program of over $500,000. This program reaches some 800 schoolchildren in grades 1 to 3 in our title I schools, and we do not duplicate the efforts of the followthrough program with title I activities.

Another program that we have in cooperation with title I is a career opportunity program. This is training of paraprofessionals to become professional classroom teachers. This gives us the opportunity to have paraprofessionals in our classroom and lets our title I funding go further in the regular title I program.

We have a health element that is funded through a special health demonstration project and this is also fully integrated with our title I health activities. So we think that by doing this, by coordinating other available funding and programs, we can make title I go further and get more out of the title I funds that we have available to us in the areas of reading and math, where we are primarily concentrating it.

As I said before, we have 17 of our 40 schools eligible for title I, and of these 11 are elementary schools. This is the area in which we are doing all of our concentration at the present time due to limited funding. We feel that this program—that probably the strongest point is the community acceptance that we have received and the participation of parents, paraprofessionals, volunteer aides in our school curriculum programs. Volunteer civic groups support our health program. As an example, we have Lions Clubs and other city clubs in support of our school health program, so by seeding these type programs with title I funds and getting community acceptance and participation, we get quite a lot of support for our title I school children.

We strongly feel that the title I program probably reaches more ways and to a greater degree than any other program in existence today.

There are a couple of changes that we would like to see, and one of them is that we would like to see funding about a year ahead of time, because, when we get our initial funding, we are already in the beginning of the school year: by the time we get our final allocation we are way up into December or January, and it is kind of hard to make good plans on a catchup basis by getting funded late like this.

Another thing that I think we would like to see is some sort of mandatory allocation formula where when we have major population changes or major school population changes there would be some sort of an automatic triggering of the allocation formula.

Now we have a particular situation in Huntsville where we expanded within a very short period of time, and our formula has never been changed since the implementation of title I in 1965, and it is not going to be changed; we don't have the 1972 census yet. So, those two things, I think, would probably strengthen the program.

I think, to repeat myself once again, this program is probably the best for the needy child of any federally funded program and we would highly recommend and respectfully so request that this program be extended.

I have appreciated the opportunity of addressing you this morning, and that concludes my presentation.

(Mr. Dennis' prepared statement follows:)

STATEMENT OF HORACE DENNIS, JR., DIRECTOR OF FEDERAL PROGRAMS, HUNTSVILLE, ALA.

The Huntsville Alabama city school system is composed of some 40 schools with a student population of over 35,000 students.

With the introduction of space oriented activities in the early fifties, Huntsville population has more than doubled and the school system grew from 17 schools to the present 40 within a relatively short period of time.

The school system has kept pace with the exploding area and student population growth and enjoys the reputation of having one of the finest school systems in the South.

Fourteen of the 46 schools within the system qualify as Title I schools. Our concentration has been at the elementary level involving some 4,400-plus eligible children in 11 elementary schools; limited funding allocations have not permitted us to include secondary schools in our program thus far.

We are extremely proud of our Title I activities and feel that they are vital to our overall program. We have recently been cited as the only school in our area to have zero deficiencies in comparability.

Huntsville is extremely fortunate in that several federally funded programs are available to use. Title I is totally coordinated with all other programs and extreme care is taken to insure that there is no duplication of effort and that each program complements the other. An example of this is as follows:

1. Title I participants in the follow-through program in the amount of $90,000 this year. This participation attracts additional funds and serves some 800 children in grades 1–3 in certain of the designated Title I schools. The regular Title I program does not duplicate the efforts of the follow-through program in these schools.

2. Career Opportunities Program: Title I participates in the C.O.P. activity in utilizing 48 teacher aids. This program operates in only Title I schools and supplements the Title I effort in the form of additional funds and in instructional staff.

3. Health: The Health element of Title I is fully coordinated with health activities in a "demonstration health project" and with health activities funded through model cities and operated by the school system.

Community acceptance and parent and community participation is one of the strongest features of our program. We have enjoyed total support from civic and social organizations and parents are utilized at all levels. The effectiveness of the program can be measured as much in terms of attendance, motivation, parent/community involvement, and student self-concept as much as it can in pure academic achievement. We strongly feel that this one program reaches the lives of children in more ways, and to a greater degree, than any other program in existance.

Some changes we would like to see implemented are:

1. More advance funding (fund one year ahead) as it is now, we are well into the school year before the program is funded and final determination of the exact amount of funds to be received is usually announced in December or January.

2. Implementation of mandatory adjustment of the allocation formula when there are major population changes. Our particular school system has lost money since the beginning of this program due to over 100% growth in the physical size of the city and over 100% population change with no adjustment in the allocation to the system despite repeated requests for such adjustment.

We highly recommend and respectfully request favorable consideration for continuation of this program.

Mr. QUIE. Thank you for your testimony.

I just want to ask you a few questions. Are you conducting any of the title I type programs in non-title-I schools with local or State funds?

Mr. DENNIS. Yes. We, in our regular curriculum programs out of State funds, do some of the same things that we would do in the title I schools; yes, sir.

As an example, we have one ungraded school in our system based on individual capability, individual progression. We started this off as a pilot model through a title III program back a couple years ago which has since played out. And we have continued this and we have found this has been very favorable. We have oriented a lot of our title I activities, in reading and math primarily, toward an individualized basis.

We think that—and I think this is what Mrs. Myers alluded to a while ago—individualization with individual programs and individual attention where a child can progress at his own rate, at his own speed, is probably the answer to—one of the answers to slow learning—education of needy children.

Mr. QUIE. Is the nongraded system one of the title I programs in your title I schools?

Mr. DENNIS. No, sir. This is one of our other schools.

Mr. QUIE. Then, if you are using an ungraded system with State funds and not title I, that isn't a title I program?

Mr. DENNIS. No. I thought you asked me if we were doing anything other than title I schools separate.

Mr. QUIE. No. What programs where you are using Federal funds are you operating in other schools where you use your own funds?

Mr. DENNIS. Primarily reading and math concentration.

Mr. QUIE. Do you have some remedial math and reading programs in the non-title-I schools?

Mr. DENNIS. Yes, sir.

Mr. QUIE. You mentioned you used some of the money for health purposes. What percentage of title I money goes for health purposes?

Mr. DENNIS. About 2 percent, because we have another health program funded from another source. We are also a model city in Huntsville and we have a health element out of that. So we are concentrating in the model neighborhood schools and title I schools which in many cases are one and the same.

Mr. QUIE. What percentage of your title I money goes for math, reading, language skills? Directly.

Mr. DENNIS. Approximately 80 percent.

Mr. QUIE. What kind of a change has there been in your title I programs from the first let's say 4 years to the present time?

Mr. DENNIS. I think there has been a total change because, of course, we have totally supplemented the schools that we are concentrating in. We have been able to concentrate on children on a more individual basis. I don't think that you can measure it as much in terms of academic progress as you can in motivation, self-concept, general atmosphere of not only the child in the form of attendance, but the community support, the parental support.

It is really hard to measure totally academic processes, I think, in many cases.

Mr. Quie. I was asking really the change in program. I was going to come to what had been achieved since you raise the point about achievement. That may be well and good, that you see the change in motivation and you feel better and the parents feel better and I don't doubt at all it is true. But it does not sell up here because a well motivated child with happy parents that still can't read really has not accomplished as much as we want.

What has happened on the reading skills?

Mr. Dennis. Well, they definitely brought up the reading end and math levels. We have particularly seen it in their ability to perform at the fifth and sixth grade level. On the average they have—last year, as an example, come up about a year and eight months in most of the grades, and this was predominantly in fourth, fifth and sixth grades.

Mr. Quie. Eighty percent of your program is on reading and language skill and math programs. Now, what about in the inception of the program? Do you start right out that way or did you start in some programs that you have dropped in the meantime with title I funds?

Mr. Dennis. No, we have primarily been in reading and math all along. We had a special education element for a long time and this is one of our probably most desirable programs. But we did not have the funds to continue the special education element this year. We did get some more State units in special education that we could—we didn't reduce the services, but we took it out of title I.

I think we made probably more progress in that particular area than we did in reading and math. We were making as much as 2 years growth for the last several years. But, as I say, we were fortunate enough that we did get State units and we continued the service, but not under title I. But reading, math, special education and health have been our concentration all along.

Mr. Quie. Let me go back to that last point you made in your 100 percent growth in the city. How many children are included in your count?

Mr. Dennis. In the count there are 14,000.

Mr. Quie. 14,000 children counted?

Mr. Dennis. Yes, sir. And we have approximately 10,000 in the city system since our expansion. Of those, there are some 4,700 eligible title I children.

Mr. Quie. They are the ones that are in the title I schools?

Mr. Dennis. Yes, sir.

Mr. Quie. How many children are there totally in your school system that could qualify for title I, in fact they are educationally disadvantaged, not in the title I schools but they are still disadvantaged and if there were enough funding, with full funding, presumably they would all be reached?

Mr. Dennis. Approximately 5,000 in——

Mr. Quie. So you are counting 14,000 kids, but only 5,000——

Mr. Dennis. In our city school system, that's right.

Mr. QUIE. In the city system, school system, you said there were 10,000 being counted but only 5,000 eligible. That means the other 5,000 are not educationally disadvantaged even though they are poor?

Mr. DENNIS. That is correct, sir.

Mr. QUIE. You use accurate information. The 10,000 are based on the present determination. Now, if you had accurate census information on income, would you have any idea of how many you could expect——

Mr. DENNIS. I don't recall the figure on numbers of children, but I do recall the figures on what we consider accurate census information, and our percentage now, city and county, we are running 35 city, 65 for the county. That would just about reverse and would have reversed since about 1966. We are in some throes and contentions with the State department of education. In fact, we had a hearing before the superintendent of education on this particular subject and we have a hearing scheduled before the State legislature on this particular subject.

It would reverse from about 35–65 to about, really, about 60–40, 61–39. This is based on census information but I don't have those figures with me.

Mr. QUIE. Would you be able to be quite confident that you have selected most of the educationally disadvantaged if you were asked who were educationally disadvantaged in your school system and you would be allocated the money based on that?

Mr. DENNIS. Yes, sir. We have this by name and by number. I don't have that figure with me today.

Mr. QUIE. Thank you very much.

We will now hear from Mr. James Williams who is the next one on the list. You may proceed. Do you have prepared testimony?

Mr. WILLIAMS. Yes, sir.

STATEMENT OF JAMES WILLIAMS, DIRECTOR OF FEDERAL PROGRAMS, DUMAS PUBLIC SCHOOLS, DUMAS, ARK.

Mr. WILLIAMS. Thank you, Mr. Chairman and members of the committee. I am Jim Williams, coordinator of Federal programs in the Dumas School District, Dumas, Ark. This is located in what is known as the delta of northwest Arkansas. For many years the community was dependent upon agriculture for its economy. Only recently has industry played its role by providing jobs for the family, primarily low income and black who were replaced on the farms by modern machinery.

This has presented a large migration of low-income black families from the community of Dumas, moving into the ghettos of large northern cities. Thus we feel like giving the student the best opportunity to achieve educationally.

The city of Dumas has been fortunate to attract major industry to our community which serves a population of some 15,000 people, and our factories provide employment for approximately 1,500. The key reason has been twofold. One has been the success of low-income families achieved in the industrial plants due to the development of salable skills, not only as laborers, but in supervisory positions and the other being the good racial climate that exists in our community.

Even in a progressive community in rural America such as Dumas we still have many problems to deal with. In the census of 1970, the medium-family income was less than $3,000 annually. So it is really easy to see that the large percentage of our population still does not have any income other than welfare checks or social security checks. The point of view I would like to present to you today is the important role the school must provide for this particular group of citizens, both academically and socially, so that they might have their real opportunities of becoming contributors to our modern society.

This is why I would like to make a plea to you substantiating the need for continuance of title I funds because of the great achievements that have been made due to these funds in the Dumas School District. So that you might have a better understanding of our local school needs assessment, I would like to share with you background information on our district.

Our district has an enrollment this year of 2,543 as compared to last year's total of 2,538 which is an increase. But in fact, in rural Arkansas where we have a minority race we are—the racial breakdown in the Dumas School District is 58-percent black and 42-percent white. Of the total enrollment 1,596 have been declared as educationally deprived students. This is some 65 percent of our school enrollment. We have increased in our title I eligibility some 30 over last year. We have between 1,500 and 1,600 students who qualify for the lunch program.

Our district is closely related to the number of educationally deprived students. The real problem is that we receive just enough title I money to provide special activities for only one-third of the eligibles.

Effort is being made with these students in academics and in social affairs, but additional money is needed to provide special activities for the other two-thirds who are eligible also. The per-pupil expenditure for Dumas last year was about $47-odd. This is approximately $100 below the State average; $220 below the Southeastern region of the United States; and almost $400 below the national average.

Our local school millage is the highest in southeast Arkansas and one of the highest in the State. The voters in our district increased the millage a year and a half ago to 55 and three-fourths on an assessment of 20 percent, which is above the State requirement.

The anticipated school budget for fiscal year 1973 is $1,516,529, with $557,000 coming from the local millage, $750,000 through the State department, educational foundation program, and approximately $270,000 from title I. So title I will constitute about 16 percent of our total school budget and we have between 60 and 70 percent of our students classified as educationally deprived students.

To complicate the situation even more we have more title I eligibles but we have less money to spend each year. Since our title I funds for the past 4 years have shown very little increase, we cannot provide as many services today as in previous years.

There has been a gradual cutting back each year due to the increase now in teacher salaries since they are entitled to the same raises as a teacher who is paid with local and State funds. For the past 3 years our title I teachers have received an average increase of approximately $1,700.

Last year we had 39 staff members paid from title I funds and this year's staff was cut back to only 35 staff members, thus, programs had to be eliminated and personnel positions closed. Since our local revenue is derived from property taxes and we have a large concentration of low income families our local moneys are not sufficient to pick up these title I positions so they were phased out.

Salaries in the title I application for fiscal year 1973 will constitute approximately 95 percent of our tentative appropriations, if we are funded the same as last year. Should the State of Arkansas fail to receive the same amount as last year, the school district will be in a bind to pick up the remaining salaries. Since our district has to spend such a large amount of our title I allocation for salaries this puts the teachers at a disadvantage because of the unavailability of funds to buy all of the instructional materials needed to perpetuate greater learning with the educationally deprived students. It is most difficult for a teacher to achieve significant gains if necessary tools are not provided.

My final point has to do with the basic nature of Federal grant programs. Once the school district initiates a Federal program, it relies on continued Federal funding for the continuation of the program since the local and State governments are not able to pick up the financial responsibility.

Should title I not be funded for fiscal year 1973, our district would be thrown into a state of chaos without any solution. Title I funds are a must to our district for educational survival this year and in years to come.

I thank the committee for this opportunity to present the Dumas School District's views in reference to this very important bill. Since time has been limited, I would be happy to provide additional informtion or answer any questions.

Mr. QUIE. Thank you, Mr. Williams.

I will turn to Congressman Ruth to ask what questions he has.

Mr. RUTH. Thank you, Mr. Quie.

Mr. Williams, under the present system, do you estimate that there are people getting free lunches that really should not be getting them?

Mr. WILLIAMS. This could possibly have some very valuable results due to the format handed down to the local districts to follow, in that we have no recourse for questioning——

Mr. RUTH. I am cognizant of that. I was not being critical.

Mr. WILLIAMS. Right; I can sympathize with your thinking because we live with the problem and no doubt there are some that possibly would not be eligible for free lunches should an investigation result.

All we have to go on is strictly the forms that are sent back.

Mr. RUTH. Do you advocate a program that would give free lunches to everybody?

Mr. WILLIAMS. To our particular district, I would say, yes, sir. Because of one fact: As it stands now, between 60 and 65 percent of our students qualify for free lunches. This means that we have some 35 to 40 percent that are not eligible.

This raises some question.

Mr. Ruth. If you had this differential: I am talking about the difference in feeding 65 percent and feeding everyone in your own school district, is this the way you would spend the money?

Mr. Williams. If we had our priorities; no, sir.

Mr. Ruth. Thank you very much. That is all, and I appreciate your letting me ask these questions.

Mr. Quie. Thank you, Mr. Ruth.

Mr. Williams, you mentioned that there is a slight increase in the enrollment this year, over last year. What has happened with first-grade enrollment between now and 10 years ago?

Mr. Williams. First-grade enrollment is not as high as it was 10 years ago. Our community had us draw up, primarily through the last 7 to 10 years, because of the change in our economic, rural form of community.

We have just about reached the plateau of leveling off. What I mean, the blacks have maintained their position in the community because jobs are now available for them, instead of migrating North.

Our first grade, this year, would be considerably different. I don't have the results with me. I could furnish them to you. We did an indepth study, a 10-year progress report of our school district with anticipation for the years to come. I would say this, that this year's senior class in our school district has had a drop of something like 40 percent from those that began in the first grade, 12 years ago.

Mr. Quie. Well that indicates, then, that you are counting students today for title I funds that don't exist anymore.

Mr. Williams. No, sir.

Mr. Quie. If you use the 1973 census, you are going to count fewer students. Or the 1970 census, excuse me.

Mr. Williams. According to the number that I gave you, which constitutes about 65 percent of our student enrollment, this is based upon facts we have pertaining to the national achievement tests, which we give, too—some 65 to 70 percent of our students are working below what are known as grade level norms, according to national norms.

Mr. Quie. Well, that was probably true 10 years ago, too.

Mr. Williams. It would have been much higher 10 years ago.

Mr. Quie. Well, you see it does make a difference in what grade level they are situated. In the allotment formula, you just count poor kids. They could all be above the national norm, but you would still get the money.

You would have to divide it up among your kids if that were the case.

Mr. Williams. Right.

Mr. Quie. Now, what I am talking about is the allocation formula. You have had migration in 10 years. They have gone someplace else, but they cannot be counted someplace else, unless they are on welfare there.

You are continuing to count them. What I am driving at is when the new census information comes out, you are going to be worse off than you are today.

Mr. Williams. This is very true. This is a great concern to us because according to the statistics that are available to us, we still have a large percentage of our local people who are welfare recipients as such, in our local community.

Mr. Quie. Could I interject there?

They probably are not receiving more than $2,000 in their welfare checks per year, for a family of four.

Mr. Williams. It would be less than that in Arkansas.

Mr. Quie. Less than that? So, therefore, your welfare recipients are not counted the way they are in New York or California or Illinois because you only count the welfare recipients who receive more than $2,000.

Yours are included in your historical census, so your money is dependent entirely on the 1960 census?

Mr. Williams. Right.

Mr. Quie. And children who are not there anymore? I think a lot of people don't realize the kind of a dramatic change that is going to come in this formula. Let us say the appropriation stays at about $1.6 billion next year.

When the new census information comes out and if you had, say, a 40-percent outmigration, 40 percent of the kids that were counted are gone, you will get 40 percent less money.

Mr. Williams. We have had some study within our State government in the past year pertaining to this issue. Our procedure has been altered to a certain degree. If I am not mistaken, the money that has been tentatively allocated to our district for fiscal year 1973 was done according to the 1970 census. We have had a change in our State government.

Mr. Quie. Yes, but not in the title I program?

Mr. Williams. In title I, this was supposed to have substantiated part of the increase.

Mr. Quie. They have not cranked that out at all, down in the Office of Education, yet.

Mr. Williams. This is what we were told, if I go this year on the 1970 census.

Mr. Quie. Well, it is not true. They haven't done it, as yet.

Mr. Williams. OK. I would suggest this. This is one of the reasons we feel that equalization is very important in school financing, at the present time, because of districts such as ours, which has a high concentration of low-income families.

Mr. Quie. All schools in your district are title I schools, are they not?

Mr. Williams. We are a unitary district, voluntarily as of 1970. We had what was known as an all-black school district and what was known as an all-white school district. Freedom of choice was practiced for a few years and in 1970, the two schools were unified.

So, we are totally title I, in all of our programs. And most of our title I programs are slanted toward the elementary school level. Because of the money limitations that we have in our school district, we feel that the elementary level is our top priority in the long-range plans.

The problem that we have with our particular school district has been that so many of our students have been starting in the first grade who are not at first grade level maturity. Experiences have been very limited to prepare them to successfully complete first grade material. Last year, we began a kindergarten program with emergency school assistance program money.

Our State still does not sponsor kindergartens. We are trying to move below the first grade into preschool education. We are working indirectly with a child-care program which is not connected with the school in trying to provide educational experiences for these children so that they can be better prepared to succeed when they reach the public institution.

Mr. QUIE. When you say "we," do you mean the community or do you mean that the school has some responsibility for the preschool program but it is conducted outside of the school?

Mr. WILLIAMS. Our kindergarten program is part of our school system. Now, the child-care program, the day service centers, is sponsored by nonprofit organizations in the community for the minority, primarily.

We help them set up their program so that they can begin meeting these needs. They are correlated, to a certain degree, to the basic needs we feel are important to prepare the child for our kindergarten program.

These are not directed by the school though. The school can have no attachment with the day service centers.

Mr. QUIE. Do you think that the school should have some attachment to the day care centers?

Mr. WILLIAMS. I think so, because I think we have a systematic approach, and we like to follow a sequential nature of providing the skills, say, from the beginning levels through post-high school materials.

To give an illustration such as—we have had private kindergartens in our community, operated in predominantly white churches. Our blacks had nothing. And the average white had no kindergarten program to attend.

We were able to set this up for one semester. And, in our testing, we found out that the average kindergarten child, second semester, this is one semester before he begins the first grade, the low-income child had a mental age of a little over 4 years.

Now, this can be compared to an average child from middle-income America that has better than 6 years. They were almost 2 years behind in what we consider to be the mental age of an individual.

Within an organized kindergarten program, conducted by the school district, we could provide the skills necessary. In four and a half months of an operative kindergarten program, we saw the average gain of 1 year and 1 month, which is almost three times the normal expected gain.

Through an organized program such as this, we feel like we can meet the needs of a low-income child so that when he begins the first grade, he is more nearly ready.

Once a child begins the first grade, if he is 2 years behind in mental age, materials designed for a 6-year-old naturally, we are bucking a tough row, trying to lead him to where he can achieve what we would like to see as average gain for a normal child.

Mr. QUIE. If the Congress authorized substantial increases in Federal funds for preschool day-care child development programs, would you then favor that we do it through the school system so they would administer the program?

Mr. WILLIAMS. If the funds were substantial enough so that we could provide the additional facilities that we should, and enough funding also to hire the teachers and provide the materials, I feel this would be a very definite asset to progressive education, in relation to the needs of these children.

Mr. QUIE. Can you identify the children who are title I eligible in your schools quite easily as educationally disadvantaged?

Mr. WILLIAMS. Yes, sir; we keep accurate records every year on who the children are. We do a needs assessment yearly. This year, right now, we are involved in a needs assessment that is being conducted by Educators Consultant, a corporation.

An independent firm is directing it so that we can try and eliminate biased opinions that we might come out with. From a needs assessment, we are able to determine exactly who is considered to be educationally deprived. To follow this up, the students that are involved in our title I program, we keep a folder on them in the Federal Coordinator's Office. If you come to my office, I can pull out a folder on every individual and you can see the achievement that he had made in the past, previous school year.

You can see what the social worker report is pertaining to this student in regard to what supportive services he may have had. We have all of this information that is available.

Mr. QUIE. Would you like to have the money allocated to your school district continue to be based on the number of poor children, and some historical census information—or based on the number of educationally disadvantaged children you have?

Mr. WILLIAMS. Our preference would be upon the children who need the services. Not—I am referring to the academic. As has been proven in statistics, 90 percent or better of our students who are usually in what is known as special educational programs generally come from low-income backgrounds.

So, it is very hard to separate the two. Although we do have some students who come from middle-income brackets, or higher, that are also educationally deprived, that need these services, as well. Not the social services, but the educational, academic services.

So, I would say that if we could receive funding for the total number that are educationally deprived, we would receive more than we do under the present system.

Mr. QUIE. Thank you very much, Mr. Williams. We appreciate your good testimony.

I now call Mr. Sam Putman.

You may proceed, Mr. Putman.

STATEMENT OF SAM PUTMAN, COORDINATOR OF FEDERAL PROGRAMS, AIKEN COUNTY SCHOOLS, AIKEN COUNTY, S.C.

Mr. PUTMAN. Mr. Chairman and members of the committee, I am Sam F. Putman, Jr., coordinator of Federal programs for the consolidated school district of Aiken County, S.C.

I thank you for the opportunity to present some of the facts relating to the need for title I of the Elementary and Secondary Education Act by several thousand children in our school district.

There are 25,000 children enrolled in the elementary and secondary schools of the consolidated school district of Aiken County. Seventy-five percent of that number reside in title I eligible attendance areas.

Over 8,000 students meet the criteria for participation in title I programs as determined by the results of standardized achievement tests. These deficiencies are in language arts and mathematics which are basic to successful attainment in other academic areas.

More than 50 percent of the students who enroll in the first grade drop out before completing high school. Approximately 15 percent of our first graders have to repeat the grade whereas the national average is approximately 5 percent.

Our district's title I allocation for fiscal year 1972 was $966,603. This permits an average-per-pupil expenditure of approximately $120. In recent months a per-pupil expenditure of $300 has been publicized as one which has been found to make a significant difference in the academic achievement of educationally disadvantaged children.

If that is the case, the funds we have been receiving represent less than half of the amount required to do an adequate job.

I am sure that our situation is not unique in our State or in other parts of the country. Our district's average-per-pupil expenditure for 1971–72 was $567, as compared with a national average of $867.

It is obvious that we cannot expect to meet the special educational needs of our educationally disadvantaged students with State and local funds because the money simply is not available.

I am confident that this committee is aware of the complex problems which title I was designed to meet. I wish time would permit me to describe some of the activities we have initiated in Aiken County. However, I feel it more important that I try to make one point clear.

The need for title I has been recognized on a national level and the appropriate legislation has been provided to meet the need.

Now the only hope for our 8,000 children and the thousands of others in the country is that that legislation remain viable and that it be funded at a level which is consistent with the magnitude of the problem.

I thank you for allowing me to present this information. I will be happy to respond to any questions.

Mr. QUIE. Thank you, Mr. Putman.

Why is it that South Carolina has better than 6 percent of personal income being expended for education which puts it way above all the rest of your region?

Mr. PUTMAN. We do put out considerable effort in light of the income we do have, you know, from State funds.

Mr. QUIE. You didn't used to be that way, you used to be a pretty poor State as far as your expenditures.

Mr. PUTMAN. We feel we have a very good State and are making a lot of progress.

Mr. QUIE. What caused the change?

Mr. PUTMAN. I think it is a recognition of needs and establishing priorities on the State level, and doing good statewide communication and planning.

Mr. QUIE. Now, I used to make a lot of speeches and I always used South Carolina as an example of the worst. I can't use South Carolina anymore. It has been tough on my speeches, but I am pleased with the people of South Carolina. You have made that change, and I think you will probably see many other ways, too, of what will be accomplished there.

Mr. PUTMAN. We feel that we have made considerable progress.

Mr. QUIE. You mentioned the $120 permitted to be expended per child in your school district, and quoted the $300 figure.

Now, we have heard that $300 figure, although 2 days ago I asked the assistant superintendant of Oakland, Calif., what he thought it would cost for compensatory education. He said half again as much as the normal cost of education. The normal cost of education in their school was $900, so he wanted another $450.

What would your answer be to the added costs you feel would be necessary to do a good job of compensatory education.

Mr. PUTMAN. I believe this $300 figure came from one of the California studies.

Mr. QUIE. That was the figure they used to concentrate the money. You shouldn't get the money unless you concentrate enough to spend $300 per child.

They are finding now it isn't quite enough there.

Mr. PUTMAN. Their per-pupil expenditure would be much higher on the average than ours.

Ours, I would say, would have to go more than $300 to really meet all the special education needs of each of these children.

Mr. QUIE. Why would it cost more than $300 in South Carolina when it costs less to live in South Carolina than in California?

Mr. PUTMAN. One reason I would say is because of the number of children we have, using this as an average index.

Mr. QUIE. Well, the number shouldn't play any part because if you had $300 per pupil and you get a large number you would just get more money.

I mean, why is the cost per child as much in South Carolina as in California.

Mr. PUTMAN. Oh.

Mr. QUIE. I am not badgering you because I believe it is. But most people think it isn't.

Mr. PUTMAN. I think there are many things that would enter into this, basic instruction equipment, types of instruction materials we need. I think for that reason the initial cost would go up.

It might be it would stabilize lower at a later time in the program.

Mr. QUIE. What are you paying a qualified teacher? I shouldn't say qualified teacher but the kind of teacher that obtains results from your children.

Mr. PUTMAN. The average teacher salary in our district this year is approximately $8,000, between $7,800 and $8,000.

Mr. QUIE. What do you pay for somebody who just came out of college ready to teach?

Mr. PUTMAN. The beginning teacher with a certificate is in the neighborhood of $7,000.

Mr. QUIE. So then you aren't very far behind what other States are paying in their starting salaries. I mean you are a little behind, but you aren't too far.

Mr. PUTMAN. We are moving up there. We did get a fairly significant average of $650 raise this year per teacher.

Mr. QUIE. It was my feeling if you are looking for qualified teachers, the ones that can really do a job for disadvantaged children, and you are out on the national market you really can't hire them for much less in South Carolina than you can other places.

You may find a South Carolinian who would stay there because his or her wife or husband has a job or work that he or she would like to stay in, but if you are out in a national market, I don't think you can get a Minnesotan to go to South Carolina for any less than Wisconsin.

Mr. Putman. I am afraid that is a problem.

In our specific situation we are fortunate in that we have had a number of qualified teachers who have been housewives and what-have-you that we have been able to recruit and put into our program and provide whatever training they may have needed, but I think we will run out of this purely local manpower supply.

Mr. Quie. What are you doing on concentration of funds in your school district? How many schools do you have in your school district?

Mr. Putman. We have 46 operational facilities, elementary and secondary schools.

Incidentally, we cover an area of over 1,100 square miles, population of approximately 93,000.

Mr. Quie. How many of those 46 schools are title I schools?

Mr. Putman. A third.

Mr. Quie. So then you are concentrating.

Mr. Putman. We feel we are to a good degree.

Mr. Quie. When you talk about that $120, is that the average per title I eligible child or is that what you expend in those one-third of your schools that are title I schools?

Mr. Putman. It is 30 schools, not one school, I am sorry. As I mentioned 75 percent of our enrollment.

Mr. Quie. Is that $120 what you spend per child in the 30 schools or is that——

Mr. Putman. That would be based dividing our allocation by the number of eligible educationally disadvantaged students.

Mr. Quie. What are you spending per child, on the average, then?

Mr. Putman. Probably I would—now this is an estimate—I would say in the neighborhood of $200 to $220.

Mr. Quie. So you are a little under that one-half of expenditures for normal education.

Mr. Putman. Yes, sir.

Mr. Quie. How difficult is it for you to identify who are your educationally disadvantaged children?

Mr. Putman. We are I think without question in a position of identifying each child by name. We know where he is. It has taken some time to get to this point.

Mr. Quie. You could do it.

Mr. Putman. We could do it.

Mr. Quie. Have you done it now?

Mr. Putman. We have done it.

Mr. Quie. You have, in the non-title I schools as well?

Mr. Putman. We have. Let me mention, South Carolina has a statewide testing program using California tests in grades four to seven and this year I believe some of the ninth grade, so actually we can do it on a statewide level in those grades.

And in our non-title I schools in those grades, four to seven, we could do it also. But we have pretty accurate information as to who these children are even in the non-title I schools. It would not be a major task to identify them.

Mr. QUIE. I ask you the question, if you had any choice, would you like the funds distributed based on the number of poor children or on the number of educationally disadvantaged children you have?

Mr. PUTMAN. I would like to have it distributed on the number of educationally disadvantaged children. This way we could reach all of the children who need it.

Mr. QUIE. What kind of tendency do you think there would be to push kids below that in order that the school would get more money?

Mr. PUTMAN. It is a difficult question.

From my personal experience in our situation, I do not think that would be a problem.

Mr. QUIE. I don't think kids will fail tests so the school will get more money, so I don't think we have to blame them at all, but it has been raised before that that might be done.

Mr. PUTMAN. I think with any data that we utilize on this level, there are bound to be some inaccuracies. The surveys we do, for example, in order to determine low income, I am sure there are some that are not valid, but I don't think it is that many of the total.

Mr. QUIE. Thank you, Mr. Putman.

Mr. PUTMAN. Thank you.

Mr. QUIE. Now we will call on Mrs. Elizabeth Randolph. Welcome to the committee. You come from a mighty interesting school district.

You may proceed.

STATEMENT OF ELIZABETH RANDOLPH, DIRECTOR, TITLE I, CHARLOTTE-MECKLENBURG COUNTY SCHOOLS, CHARLOTTE, N.C.

Mrs. RANDOLPH. Thank you, sir.

I am Mrs. Randolph, director of ESEA title I for the North Carolina, Charlotte-Mecklenburg schools.

I appreciate the opportunity to speak to you on behalf of title I.

Title I has been a catalyst for change in the Charlotte-Mecklenburg schools.

The Charlotte-Mecklenburg school system serves the largest urban area in North Carolina. The city and county school systems were consolidated in 1960 and currently serve 79,255 students in 31 high schools and 73 elementary schools.

A citizen's curriculum study conducted in 1965 pointed up several areas of educational need.

These included basic skills and occupational education at the high school level and basic skills at the elementary level.

An analysis of test scores showed a consistent low level of achievement and a high retention rate for children from low-income areas. These scores were not appreciably improved by subsequent remedial instruction in reading and arithmetic.

Mindful of the current research on the value of early learning, reinforced by the local studies of achievement and retention, the Citizens Curriculum Study Commission recommended kindergartens as the top priority educational need for the Charlotte-Mecklenburg schools.

It further recommended that local funding be provided for kindergartens since the State did not provide the kindergarten year in its educational structure.

Local funding for kindergartens did not materialize; however, school administrators realized that kindergarten education remained the priority educational need—especially for children from low-income families.

Consequently, the title I program was concentrated to provide kindergartens for educationally deprived children living in areas with high concentrations of low-income families.

The title I program has been a catalyst for change in three important areas:

First, title I has brought change for children.

Title I has provided an additional year of education at the preschool level for children whose home environment lacked the stimulation necessary to motivate them to profit from school experiences.

Title I has provided supportive services for children who needed health care, nutritional supplements, psychological assistance and adequate clothing in order to be physically ready to learn.

Title I has reduced the first-grade retention rate of the group of children served. For example, during the 1970–71 school year, 720 children from title I kindergartens were in first grade. Only six of these or 1.04 percent were retained compared to 30 percent of a control group which was in an eligible area not served by the program.

Title I has broadened the horizons of the children served through a wide variety of educational experiences, thereby increasing their experimental base for learning to read.

Title I has increased the first grade achievement levels of the children served. For example during the 1971–72 school year, 820 title I kindergarten children were enrolled in first grade. These children scored 1.7 on the Metropolitan Achievement test given at the end of the year as compared with 1.3 by a control group of eligible children not served by the program.

Title I has improved the self-image and behavior of the children enrolled. This change was consistently noted by the results of behavior rating scales given by teachers in the fall and spring of each school year.

Secondly, title I has brought change for teachers.

Teachers' attitudes toward teaching and learning have become child-centered rather than subject-matter or book-centered. Teachers are looking at children rather than at grades. This change has been consistently noted by the results of teacher beliefs surveys given to teachers new to the program at the beginning and at the end of each school year.

In-service training programs for teachers have been improved to include assistance in individualized instruction, team teaching and varied ways of preparing a classroom environment to meet the needs of children.

Thirdly, title I has brought change for parents.

Parents have been accepted by teachers and school administrators as real partners in the education of their children and have been given meaningful roles in working with children in the school setting.

Schools have set up training programs for parent volunteers to prepare them for specific helping roles in the school.

The title I advisory council has given parents of educationally deprived children an unprecedented opportunity to have a voice in educational evaluation and planning.

Fourth, title I has brought change to the community.

The title I kindergarten program has created an awareness of the importance of early childhood education and has stimulated school administrators to try innovations in school organization, curriculum and teaching.

Title I kindergartens have generated citizen activity in behalf of public kindergartens for all children. This activity has been directed toward moving the State toward providing kindergartens for all children as a part of the elementary school structure.

The title I program in the Charlotte-Mecklenburg school system, in spite of noteworthy success in achieving the goals of the program for educationally deprived children, is beset by administrative problems which impede its progress.

These are:

(1) Late funding. Late funding prevents effective instructional planning and hampers staff recruitment.

(2) Level of funding. The level of funding prevents the LEA from serving all eligible children. For example, there are 33 eligible attendance areas in Charlotte-Mecklenburg and the program serves only 27.

(3) Incompatibility with school desegregation.

Although some changes have been made, title I guidelines are generally incompatible with local desegregation plans and result in resegregation within desegregated schools, the exclusion of many eligible children and increased racial isolation. More flexibility in guidelines is needed to allow for maximum title I effectiveness within varied pupil assignment plans.

We strongly believe that title I funding for compensatory education should continue and the funding level should be adequate to meet the top priority needs of educationally deprived children as identified by the local educational agencies.

While recognizing the great need for general aid to education from Federal sources, we strongly urge that this aid be provided in addition to and not in the place of compensatory aid.

The title I children of our great country have long been culturally isolated, economically disadvantaged and socially impoverished.

As Dr. James E. Cheek says, "Indeed, discrimination in education and cultural opportunity has been one of the most insidious forms of disprivilege."

Only through compensatory education can we even begin to redress the balance.

Thank you.

Mr. QUIE. Thank you, Mrs. Randolph. I am glad you raised the point on parent participation. This has been raised on other days too. In fact, one of the people who testified here figures that parent's participation is one of the most important reasons of why there was substantial achievement on the part of the title I children.

Mrs. RANDOLPH. Right.

Mr. QUIE. What role does the parent play? You have a parent committee in each school, I take it.

Mrs. RANDOLPH. Yes, we have a parent committee in each one of our schools plus a systemwide advisory council made up of parents from each school.

Mr. QUIE. But besides that, you have parent volunteers working in the school.

Mrs. RANDOLPH. Yes, we have parents participating as volunteers. We have the parents of our title I youngsters participating in the PTA's of their schools. We use them as volunteers on field trips and that kind of thing, but I think the interesting part of their participation relates to their participation on the advisory committee, because they come to the school board and they participate politically in the decisionmaking.

They participate in developing our proposal. They participate in the evaluation of it, and we always include their comments in the evaluation we send to the State agencies.

Mr. QUIE. How are the local parent advisory councils selected?

Mrs. RANDOLPH. They are elected by the parents at each school.

Mr. QUIE. So the parents come to a meeting and elect their own?

Mrs. RANDOLPH. Yes, and select their representatives.

Mr. QUIE. How are they selected for your overall advisory committee who are representatives from each of the schools?

Mrs. RANDOLPH. That is what I thought you asked. The representatives for the system-wide council are elected from the parents of local schools. We have two representatives from each school where there is a title I program, and the parents from that individual school elect their representative to the system-wide council.

Mr. QUIE. The local school has its own advisory committee?

Mrs. RANDOLPH. We don't call it an advisory council, it's really a loose organization of the parents of the title I children, in their schools. We want them to be involved, to feel free to come in and out so we call them together and at each school they have a sort of loose organization.

Mr. QUIE. So that is any parent who is interested.

Mrs. RANDOLPH. Parents of the children.

Mr. QUIE. So, you don't have a formal organization in each local school?

Mrs. RANDOLPH. No, not in each local school.

Mr. QUIE. You spelled out the achievement of the schools and I always appreciate it when someone comes in and lays it down in black and white what the children have achieved rather than just telling us they have, and we take it from there.

Now, to what extent has that been caused by title I and to what extent has it been caused by desegregation under your court order?

Mrs. RANDOLPH. Well, we had title I before we had the massive desegregation that we went through 3 years ago. We feel that it has been caused because we concentrated at the preschool level. Our curriculum studies and analysis of test scores showed this was the area where it was needed, so we spent just about all of our title I money on kindergartens and we feel that we have put the money where the greatest need is and where there is the greatest possibility of actually seeing, measuring the need.

Our needs assessment shows needs of course at the upper levels, at the high school level. But we feel if we want to actually see what title I is doing, we should put it where the greatest need is, and where there is the greatest possibility of measurement.

Mr. Quie. Then I assume that we don't see integration as such at the kindergarten level. Kindergartens, my understanding is, tend to be, the attendance around their homes. You don't have the kind of busing with your kindergartens that I assume exists among high school students.

Mrs. Randolph. Yes, we do.

Mr. Quie. Do you?

Mrs. Randolph. Yes, we do. That's been a very interesting development in our school system. We started out our title I kindergartens with four child development centers, and these four centers served all of the title I youngsters we were able to serve in the program.

They were schools that had been closed, to implement the desegregation plan, and were located two in the innercity and two in the rural areas. The program was very, very good, but when our title I State agency evaluated our program, they said that although the program was excellent and our evaluation showed the children were benefiting, we were not having any real appreciable effect on the elementary school because we were apart from the elementary school.

We were in the schools by themselves. They were 5-year-old schools, really organized just like elementary schools, but with only 5-year-old kids. So, we were advised that as soon as feasible, as space was available and otherwise it was right, that we should move into the elementary school and close the development centers.

We have closed two of these child development centers and another rationale was that we should locate these classes, as far as possible, in the schools where the youngsters would go to first grade, so, of course, you know our desegregation plan is quite complicated.

We have pairing, clustering, and satelliting. So, we have the title I program serving the youngsters who live in the attendance areas where they go to school. If the youngster goes to the first ward school, the kindergarten program which serves that area which is title I eligible, the program is located in the paired schools where these children would go to first grade.

So therefore, they are bused to the schools. They were also bused to the centers. We have two centers operating now. We have the program in two centers now, and in 11 elementary schools.

Mr. Quie. What is happening to the kids in those two situations where you have closed the centers and they are attending the same school that they will in the first grade as compared to the two——

Mrs. Randolph. My last statement referred to that, that there are some youngsters who are not being served because of the desegregation plan.

For instance, let me give you a good example, one that makes my heart bleed every time I think of it. We have one area which is served, eligible area, which is paired with three schools, University Park, Partucket, Park Creek—before that pattern of school assignment, you see, all University Park was eligible, but because of the guideline, the paired attendance is eligible if the low-income population equals or exceeds the average for the district.

It so happens University Park does not meet that requirement.

Mr. QUIE. The ones that go to the one school that is not eligible don't receive any of the title I assistance any more?

Mrs. RANDOLPH. Another advantage, though, is that we are serving more eligible attendance areas. Out of 33 eligible attendance areas, we are serving 27. But we are not serving all of the eligible children in each area.

Mr. QUIE. I see. What kind of need do you see for a program of children development or day care below the kindergarten level in Charlotte-Mecklenburg?

Mrs. RANDOLPH. Our State is making some tiny steps toward providing kindergarten, tiny steps. We have, we think they have been really pushed along by the success title I has had in this area. We often ask what will you do with your title I money, what need will you go to if the State takes over the program that you now provide for 5-year-olds. And we would of course have to go by an assessment of our need, but what we see now at the preschool level would lead us to believe that the greatest need would be to go down to threes and fours.

The State is doing a pilot project on all school day care for youngsters who are enrolled in the few State kindergartens that we have. We have a pilot program in the Appalachian region and one in the agricultural region down in the eastern part of North Carolina. The State has the kindergarten program during the day and the facilities are used for after school day care up until 7 p.m., and we are looking at that.

Mr. QUIE. If the Federal Government were to provide some additional money for prekindergarten child care programs, do you think that we ought to provide that it be administered through the school systems, or do you think that we ought to let it be administered through somebody else where the mayor would ask for the money?

Mrs. RANDOLPH. Well, I would go through the school system. We had a real child development program based on educational principles, rather than just a custodial program. I think the schools should be involved in day care.

Mr. QUIE. The other question I would ask you as you have heard me ask the others is, if you had your choice in the allocation of the money for title I, do you think it ought to be based on the number of educationally disadvantaged children you have, or the number of poor children, based on a historical census?

Mrs. RANDOLPH. I would say the educationally disadvantaged, although it is true that your—most of the educationally disadvantaged come within the low-income area. There are many, many who do not, and I think that we help all educationally deprived children if we equalize their educational opportunities. The poor have needs, but the not so poor have needs also.

And we certainly see that when we work with preschool children. And one of the things we see this pointed up very strongly in, these elementary schools where we have moved our program, there are youngsters there who cannot participate in the program because they don't meet the requirement. They live in the suburban areas, and we, in the paired schools, we do our recruiting from the low income part.

But we see youngsters who have great educational need that is not related to economics at all, so I would like to see the formula based on educational need.

Mr. QUIE. Thank you. You have been an excellent witness.

Chairman PERKINS. What brought about your operation to the extent that you only concentrated on prekindergarten and kindergarten with title I funds? Was it due to the fact that you did not have funds to cover the higher grades in the elementary and secondary schools, or what brought about that decision?

Mrs. RANDOLPH. No, sir; it was the needs assessment. We started out like I'm sure many school systems did all over the country. The first year of title I, we went across the whole spectrum and every school that met the eligibility formula received some of the money.

And very, very quickly we realized at the end of that year that we weren't really getting anywhere. That it was too widely proliferated. So, based on our citizens committee study recommendations, based on analysis of test scores, reading test scores, we realized the great need was at the lowest level, where the youngster started off behind.

So, our administrators and our parents decided that this was the best place to concentrate our money.

Chairman PERKINS. Well, I'm pleased with the achievement, and I think you made the correct decision.

Mrs. RANDOLPH. Every year our title I advisory committee, when we view the project and plan for the next year, I ask them, "Well, do you want to change, do you want to do something else?" They say, "No, let's stay with this area because we can see it's been a good decision."

Chairman PERKINS. We have been conducting these hearings for the purpose of getting information about how to write a better title I program, and a program not limited to title I to give quality education to elementary and secondary school students in the country.

Now, historically, as you have stated, the children from low-income groups basically are the ones that deserve priority, and they are the ones that are disadvantaged. But not necessarily. You have children from affluent families to a degree that are likewise disadvantaged. And you suggested that you would like to see included all that are disadvantaged.

How do you feel we could write a better formula for distributing the funds than we previously have, that is my question?

Mrs. RANDOLPH. I am afraid I am not going to be any help to you there, Mr. Perkins, because statistics is an area in which I made low marks in school. However, I would like to say this. I think that the key to providing better education for educationally deprived children is in staff development. I think that all of our children would get a better education if our teachers could be retrained.

That's what massive desegregation and our complicated assignment plan have shown us, that there are teachers who do not know how to teach youngsters who are not—who have not had educational stimulation in the family. And there are ways to do it. Teachers all over the country, teachers in the ghettos in big cities have shown it can be done and I think I would like to see some way that some sort of impetus could be given in funding to retrain teachers. And I think that through that route, we could get a lot of this done.

Chairman PERKINS. Yes. Do you believe that title I funds should be restricted to improving reading and mathematical skills only?

Now the President's bill, the Equal Educational Opportunities Act, required that compensatory education funds were to be used only for reading and mathematical skills, with a very limited amount going to auxiliary services. Do you agree with that approach?

Mrs. **Randolph.** I am afraid not wholly. We have in our school system, as you see in the first part of my presentation, we arrived at the preschool level for our concentration of funds because our test scores showed that our remedial programs had not appreciably raised the achievement scores of educationally deprived children.

At the kindergarten level we do not take a subject matter point of view. We have an integrated curriculum and the youngster—we concentrate first on finding out how he learns. We feel he has got to feel good about himself first. We have got to get his attention before he can focus on education.

So there are many, many things that youngsters need besides the workbook and the textbook and reading book in order to get them ready to learn how to read.

I think that we need to pay some attention to other factors rather than our graded system and the traditional methods of teaching we have been using.

So I would say that I would not like to see priority given to reading and mathematics but priority given to discovering the many routes to learning that children can take.

Chairman **Perkins.** There has been considerable criticism in the past about title I because of the lack of stability, and the inadequacy—I mean the school people not knowing how to plan. It has been suggested by a witness that we have 3-year advanced funding for title I.

Of course if that type of funding is not possible, how would you feel about an amendment to ESEA to guarantee a school district 80 percent of its previous year's title I funds if Congress is late in appropriating the current year's title I funds?

Mrs. **Randolph.** I certainly would go for that. It is not that school people do not know how to plan; it is that we are not given the time to plan. That is—we experienced that at the State level as well as the Federal level.

Funds are appropriated for a program in mid-July and the program is expected to start in September.

Chairman **Perkins.** That cripples your program all the way around?

Mrs. **Randolph.** That is right; it prevents good planning and it also prevents staff development. I know it sounds like a broken record but I think it is so very, very important.

Chairman **Perkins.** Do you agree with the suggestion that once a particular classroom or particular school has 50 percent or more title I children that all children in the classroom or school should be permitted to participate in title I programs?

Mrs. **Randolph.** I am talking about that on the last page of my presentation which says that we have in many cases resegregated youngsters within a desegregated school.

When you have—when there are certain youngsters in a class who cannot participate in the program, many of whom need to participate and then some of whom can help other children learn, you know, children learn from each other sometimes more than they do from the teacher, it does something to the self-concept of a child because he has to be pulled out. Children know why they are being pulled out no matter what technique is used and I would certainly agree with that.

Chairman **Perkins**. Do you agree with the suggestion that there should be a 1-year time lag before any new regulations can be put into effect for title I?

It has also been suggested that local school administrators be given a chance to comment about any new regulations. Do you agree with that?

Mrs. **Randolph**. I would certainly agree with that.

Chairman **Perkins**. You think you should have a year's time difference there?

Mrs. **Randolph**. A year's time to plan before any new regulations.

Chairman **Perkins**. Before any new regulations take effect.

Mrs. **Randolph**. Yes, I think that would be reasonable. I think local people need to have some input.

Chairman **Perkins**. Has your school district encountered any problems in implementing programs for local advisory councils?

Mrs. **Randolph**. No, we are very proud of our program. We feel it is one of our strong points.

Chairman **Perkins**. Do you believe title I money should be restricted to elementary school programs until appropriations are significantly increased?

Mrs. **Randolph**. I think the elementary programs should have priority.

Chairman **Perkins**. Commencing with prekindergarten?

Mrs. **Randolph**. That is right. That is how we can really——

Chairman **Perkins**. Do you see any value in having a required amount of title I funds set aside at the local level for evaluation?

Mrs. **Randolph**. I did not understand the question.

Chairman **Perkins**. I asked you if you see any value in a required amount being set aside at the local level for evaluation, to evaluate the program?

Mrs. **Randolph**. Yes, I certainly do. I think some of the techniques of evaluation need to be evaluated. But I do think evaluations are very, very important and I think funds should be provided for them.

Chairman **Perkins**. Do you see any need for increased local flexibility in choosing eligible school attendance areas?

The suggestion has also been made that title I funds ought to be available for our educationally-deprived children regardless of where they live in a school district; do you agree?

Mrs. **Randolph**. I do agree. I think I spoke to that on the last page of my report.

Chairman **Perkins**. Do you agree with the suggestion that there ought to be a 3-year phaseout period before any particular school is eliminated from participating in the title I program?

Mrs. **Randolph**. I think there should be a period. We have undergone a lot of trauma this year by suddenly taking away a program, because the census showed an area was no longer eligible. It causes bad public relations and considerable trauma on the part of parents.

Chairman **Perkins**. Do you think we should put a time limit there before there could be any phaseout then?

What would you think, 2 years, 3 years, or what?

Mrs. **Randolph**. Well I think the local agency should have some flexibility. Possibly it could be done in 1 year in one community or in one section of a community. Maybe another would need more time. I certainly think that I should have had more time to explain to the parents of University Park why one section of a formerly eligible attendance area could not be served, and I have not been able to do that successfully yet.

Chairman **Perkins**. Have you encountered the criticism that has been made that title I programs are not integrated enough into the regular school program? Do you find this to be true in your case in Charlotte-Mecklenburg?

Mrs. **Randolph**. Of course, when we were in the child development centers we did not have the problem because we were not a part of the system. But now that we have been going into the elementary schools with the kindergarten program we do find this to be true.

Parents cannot understand why there are some who cannot be included. They cannot understand here is a kindergarten program in my neighborhood and my child cannot go to it.

I think it is right to integrate it into the regular program. This is another staff development kind of thing. It is difficult for teachers and principals who have not had a 5-year-old program in the schools to really know what to do with it.

Chairman **Perkins**. Have you had any particular problems in getting private school children involved in your area and if so, just how do you get them involved?

Mrs. **Randolph**. We send out a letter to all nonpublic school administrators when we start our planning process. We tell them what the requirements are and so most of our schools, we find that the requirement that they comply with the civil rights regulations is enough to eliminate. We ask them to give us a response in writing if they are going to participate. We have only two nonpublic schools that participate. These are two Catholic schools that do serve areas of high concentration of low-income families.

We have one Catholic school that is working with title I youngsters in grades seven and eight and another in the elementary. We get excellent cooperation from these administrators.

Chairman **Perkins**. Now, have you experienced any problems with State department of education regulations forbidding the use of title I funds for any student who participated in a title I program the year before but who has reached a level of achievement through such program which makes him ineligible for title I?

In Missouri the State department absolutely forbids title I aid to any students who achieve a certain reading level. Have you run into any obstacles like that in North Carolina?

Mrs. **Randolph**. No; because the nature of our program would not present us with that problem. Ours is strictly kindergarten.

Chairman **Perkins**. Yes; that is what I know. Now, if you have court-ordered or voluntary integration in a school district, do you permit the title I funds to follow the child?

Mrs. **Randolph**. To follow the child?

Chairman **Perkins**. Yes; that is the money to go from that district where he was, before he was transferred.

Mrs. **Randolph**. Well, here again our kindergarten program does not present us with that problem. We serve the kindergarten children who are in the eligible participation areas. So at this level the follow-the-child principle is not a problem.

Chairman **Perkins**. Yes, I can understand that but in general, assuming you had all the programs throughout the elementary grades and secondary schools in the area that you come from, would any State law prohibit the money, would your State law provide that the money should stay in the community where you originally got the allocation, or would it follow the child?

Mrs. **Randolph**. Our State agency has tried to recognize the various desegregation plans we have in the State and gives us some flexibility in that— but I hope I am saying the right thing, that I think we were told that the follow-the-child principle was no longer operative, that we go with our eligible-attendance areas and it would mean that if a child no longer lives an an eligible-attendance area he would not be served.

He would be served only if he were in his eligible-attendance area.

Chairman **Perkins**. I am sure you have read about court cases in California, Minnesota, that call for the same level of expenditure per pupil in every school district in the State. Assuming these decisions are upheld by the U.S. Supreme Court, do you think your State will be able to raise enough money to bring the low-expenditure school districts up to the level of the high-expenditure school districts?

Mrs. **Randolph**. I think they would find it, under the present tax structure, pretty difficult.

Chairman **Perkins**. Do you think it would be done?

Mrs. **Randolph**. I think an attempt would be made.

Chairman **Perkins**. Mr. Mazzoli.

Mr. **Mazzoli**. Thank you, Mr. Chairman. I have no real questions but I want to tell Mrs. Randolph that I enjoyed her testimony and learned a great deal from it.

I am rather new and a lot of this is extremely complicated to me and I have gained a lot by her answers and her very acute observations.

I would like also, as she mentioned statistics had not been her strong suit—if I might say, in my 2 years here, if all the committee members were here, we would all say statistics have not been our strong suit either.

Thank you, very much.

Chairman **Perkins**. Thank you very much. You are an excellent witness. We appreciate your being here. You have helped the committee tremendously. We have a lot of problems.

Our next witnesses are Mr. Clarence Gittings, assistant superintendent for special programs, Baltimore City Schools, Baltimore, Md., Mr. Forrest Lawton, director, Federal programs, Baltimore City Schools, and Dr. Ronald Watts, director, title I, Maryland State Department of Education.

I am going to let Dr. Watts lead off, and we will hear from everybody. I thought it was better to put you together.

I have before me a resolution from the Maryland State Department of Education, and without objection, the resolution or the letter addressed to me, dated September 27, 1972, will be inserted in the record.

(Letter referred to follows:)

MARYLAND STATE DEPARTMENT OF EDUCATION,
Baltimore, Md., September 27, 1972.

Re Elementary and Secondary Education Act.

HON. CARL D. PERKINS,
Chairman, U.S. House of Representatives, Committee on Education and Labor, 2181 Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN PERKINS: This is to inform you that today, the Maryland State Board of Education at its regular monthly public meeting adopted a formal resolution supporting the continuation of the Elementary and Secondary Education Act and requests that appropriations for this Act be raised to the level which would include all eligible children.

We would appreciate very much your making this resolution a part of your Committee's official record for the scheduled public hearing on Thursday, September 28, 1972.

Sincerely yours,

JAMES A. SENSENBAUGH,
State Superintendent of Schools.

STATEMENTS OF CLARENCE GITTINGS, ASSISTANT SUPERINTENDENT FOR SPECIAL PROGRAMS, BALTIMORE CITY SCHOOLS; FORREST LAWTON, DIRECTOR, FEDERAL PROGRAMS, BALTIMORE CITY SCHOOLS; AND DR. RONALD WATTS, DIRECTOR, TITLE I, MARYLAND STATE DEPARTMENT OF EDUCATION

Dr. WATTS. Chairman Perkins, and members of the House Education and Labor Committee, it is a unique pleasure to appear before you in favor of millions of children and youth who are in dire need of supplementary educational services in order to grow and develop into citizens who are an asset rather than a liability to our society.

I am especially pleased to appear before this esteemed committee and its distinguished chairman, who, as Congressman Mitchell emphasized yesterday, has done so much for so many for so long. The accomplishments of this committee and its current chairman with respect to providing for improved education for all children and youth, regardless of race, creed, or economic conditions, is widely known and consistently acclaimed.

We wish to go on record at this time in support of the Elementary and Secondary Education Act of 1965. The basic significance of this act lies in the fact that it establishes support for designated groups of children with critical educational needs: the economically disadvantaged, the handicapped, school dropouts, the neglected, and delinquent, and bilingual or non-English-speaking children.

Without Federal support, programs specially designed for these children would receive minimal attention and/or funds.

Already, well organized special interest groups and lobbies are applying strong political pressure to obtain general aid delivered through revenue sharing.

The disadvantaged, the handicapped, the neglected, and delinquent, and dropouts have few spokesmen and their needs are seldom viewed as priorities when balanced against higher salaries for public employees, more miles of highways, or monumental public works.

It is important that the special aid provided through ESEA be continued and funded at a level that will produce some impact on the population that it is designed to serve.

Current appropriations for ESEA, title I, are less than 50 percent of authorizations. For fiscal year 1972, Maryland was authorized to receive $50,094,954 under ESEA, title I.

It was actually allocated $19,423,141. While it is conservatively estimated that there are some 200,000 children in Maryland in need of the kind of services that are made possible by title I, fewer than 55,000 children are currently being served.

It is important that ESEA funds continue to be appropriated for the specific categories of children that are now provided for under the act since State and local effort to supply programs for these children are generally token or nonexistent; however, there is a State density and appropriation which is allocated to Baltimore City at the current rate of $50 per pupil, which must be used for disadvantaged children.

It is important that the prestige and commitment of the Congress and the Federal Government be placed solidly behind these vital educational programs, which could be best demonstrated by continued funding of ESEA.

It is appropriate that the act be reviewed and modified where needed to strengthen its focus and impact. The concept and need for comparability cannot be overemphasized. However, requirements now in effect to establish comparability of State and local expenditures throughout school systems receiving title I funds are emerging as being too rigid.

For example, it would be absurd to cut off Baltimore City's $10 million title I allocation simply because a small number of schools are spending a few dollars less per pupil for instructional salaries for young, vigorous teachers who are committed to teaching disadvantaged children as opposed to older teachers who command a higher salary in nontitle I schools in the system.

The conclusions and recommendations set forth in a special HEW audit on comparability issued by the Lawyers' Committee on Civil Rights Under Law, as reported in the September 15, 1972, issue of Education Daily are to the point and warrant careful consideration.

The formula for deciding title I allocations should be reassessed and revised to resolve certain serious inequities and to insure that the money goes where it is most needed.

For example, the continued use of 1960 census data for the determination of allocations results in grave distortions in the distribution of funds.

Relatively affluent suburban counties receive disproportionately large allocations, especially when contrasted with urban and rural areas where services are limited but concentrations of poor people are high.

For example, in Maryland, Montgomery County, with a countywide concentration of low-income families of 5 percent, received $687,459 in title I funds for fiscal year 1972.

Somerset County, with a concentration of low-income families of 45 percent received only $227,290 for the same year.

In summary, we respectfully urge that ESEA be reviewed for the purpose of strengthening the act, but that it then be renewed, with its present substance and intent left intact.

Thank you.

Chairman PERKINS. Who is the next witness?

Mr. GITTINGS. My name is Clarence Gittings from Baltimore City.

First of all, Mr. Chairman, I would like to thank you for your graciousness yesterday and today. I would like to express my appreciation to the total committee for allowing us to make a presentation.

I have asked Mr. Lawton who works with Federal projects to be with me in case you ask some of these questions that I may not be able to answer.

Chairman PERKINS. All right.

Mr. GITTINGS. We have a prepared statement that I would like to read.

In 1965, the passage of the Elementary and Secondary Education Act was a national recognition that traditional education programs are not succeeding with the disadvantaged—whether they be black, other minority groups, or poor whites.

The purpose of the act states:

> The solution to these problems lies in the ability of our local elementary and secondary school systems to provide full opportunity for a high quality program of instruction in the basic educational skills because of the strong correlation between education, under-achievement and proverty. . . . The heart of this problem lies in our elementary and secondary school systems where there are concentrations of American children of poverty.

Although the problems have become clearly defined in the events of the past decade, their genesis is of long duration. Consequently quick, inexpensive, and superficial solutions can increase rather than alleviate the situation since there are many ramifications of the problems of the disadvantaged. Nevertheless, several years of expanded Federal aid have provided educators some valuable directions.

However, if one looks at the percentage of Federal funds in the Baltimore City schools' total operating budget a different story is told. The proportion of Federal funding is illustrated in the following data: In the school year 1966–1967, 13 percent was Federal funds: 1968–1969, 11.5 percent: in 1970–1971, 9.8 percent: in 1971–1972 only 8.7 percent.

The figures indicate that increases in the Federal investment in our schools have not kept pace proportionately with the increases in our local budget.

The figures indicate to us who have seen the concrete student benefits that money can buy—better staffing ratios, more and better equipment and materials, and new programs of teacher and staff training—a need for a significant increased investment in education by the Federal Government.

BCPS recognizes that the mere addition of people, equipment, special services, and increased participation of parents and the community in the work of the schools requires a strategy for blending these resources into an integrated program that strikes at both roots and consequences of disadvantaged peoples.

The coordination of personnel services and equipment comes from a declining source of local money.

A more basic reason for the need for continuance and expansion of title I funds is indicated as follows:

Baltimore City has 230,422 pupils enrolled in its schools. Of this number there are 84,707 children from low-income families. These numbers came from 1970 census data as well as our own survey.

Title I only provides for about one-third of the number of eligibles under the guidelines—34,402—and about 15 percent of the total school population. The pupils in the title I schools show that 87 percent have severe to moderate deprivation in the language arts in grades one through four and in the seventh grade.

Changes that are taking place in Baltimore City public schools as a result of title I:

1. Prior to title I, teaching children of the poor and children who were disadvantaged as a result of racial, cultural, ethnic, geographic, and/or social isolation was usually regarded as lacking in professional and academic status by many teachers and lay people.

2. Schools serving disadvantaged children were often not comparable in either facilities or resources to schools serving children from more affluent backgrounds. We have made truly significant progress in this regard.

3. Disadvantaged children were often regarded as being incapable of academic achievement. Today it is recognized that disadvantaged children must have the basic skills acquired through an education if they are to break out of the cycle of poverty and discrimination.

4. Parents and the community are taking an active part in running the schools to insure complete education of their children.

5. In previous years as high as 40 percent of those entering first grade were not prepared to achieve success in first grade activities. Today preschool programs are designed through title I to improve children's learning potential. These programs provide sufficient cognitive experience to assure academic progress in subsequent school programs.

6. There are also benefits which money can buy only if there is also a heavy investment of human spirit which must prevail in any enterprise which deserves to be called educational. These benefits are the experiences that cannot be reflected in words. They take place in the heart and in the mind and their effects on the student can only be guessed at. These attitudes can only come about through a continuing program of staff development.

There are a few changes we would like to have you consider and they have been mentioned before so I will try to be brief.

Chairman **Perkins**. Let me interrupt you.

This is off the record.

(Discussion off the record.)

Mr. **Gittings**. Several other speakers have spoken to this point and I don't think I need to emphasize the appropriations and allocations and when funds are available to us and the problems that are caused when we don't know how much or when the money is coming.

The guidelines with regard to the involvement of nonpublic school students are not always as clear as they might be and occasionally may be from reports we have gotten given personal interpretations by different State departments.

I am not speaking of the Maryland State department which is here with me, but we do get the report that sometimes this poses a problem. The possibility of making general grants available as well as categorical grants may be a good concept. However, unless the appropriations and the allocations are greatly increased the money will be too widely scattered to have much benefit.

The reporting of expenditures through such devices as the consolidated reports is too time consuming and does not really tell a true story.

The directions are vague and the ability to make choices in the manner and kind of reporting of the data makes the report meaningless.

There should be tighter monitoring of some of the programs. There are some, and I think we as a city school system have a responsibility here to monitor our own programs that are Federally funded.

Finally, as you consider other possible legislation, please do not put us in the position of having several sets of guidelines with which to deal and guidelines that might almost infringe on one another as we work with Federal funding.

These complicated guidelines sometimes pose a great many problems for us and we too would hope that as you consider the guidelines that you would give those of us who represent local subdivisions an opportunity to share some thoughts with you.

Thank you very much.

Mr. MAZZOLI. Thank you very much, Mr. Gittings.

I wonder if I could perhaps be plowing some old ground here, but the chairman had some interest in these questions being asked as they were of the lady who preceded you. Perhaps—is it Dr. Williams?

Mr. GITTINGS. Dr. Watts.

Mr. MAZZOLI. Watts. Excuse me. Perhaps we can have Dr. Watts and Mr. Gittings and perhaps with Mr. Lawton's assistance along the way, maybe give some answers to these questions.

First do you believe title I funds should be restricted to improving reading and math skills only? The President's bill, the Equal Educational Opportunities Act, required that compensatory educational funds were to be used only for reading and math skills with a very limited amount going to auxiliary services. Would you, Dr. Watts, agree with that approach?

Dr. WATTS. No, I would not. I think that the funds should be limited to the specific needs of the children of the target population; if it means math and reading, I believe this is where the funds ought to go. If it means other things, then I think these are where the funds ought to be distributed. Decisions being made by local people after comprehensive decisions are made, this is the keynote. We know that if a child is hungry, if a child doesn't have clothes, if a child doesn't have some psychological support, then he will never in many cases read or compute in his mathematical classes. We need to try, in terms of these individual needs, to determine the allocation of funds.

Mr. LAWTON. I think this is one of the things Mr. Gittings was referring to in terms of guidelines. If we come up with two or three different types of compensatory education programs, then we have two or three types of guidelines, and are trying to cover the same thing and do the same thing. Maybe not in reading and math, may be there is another set of guidelines over here. As Mr. Watts indicated, it could be in other fields. There is another set of reporting activities. In terms of the numbers of laws that you put with compensatory education, if there are any differences in these laws, then you are just complicating the whole program we have at the local level.

Mr. Mazzoli. So your idea would be again that the local person using testing and other devices would be able to ascertain the needs and therefore the best uses of this money?

Mr. Gittings. I would agree completely that the local subdivision ought to have the option of determining what are the needs of the children to be served, and spend the money to serve these needs, and later be in a position to justify that they have served those needs.

Mr. Mazzoli. The suggestion has been made for 3-years advanced funding for title I. If that type of funding is not possible, would you support an amendment to ESEA to guarantee a school district 80 percent of its previous year's funds if Congress is late in appropriating current year funds?

Dr. Watts. I would be in favor of an amendment indicating some funds would be available. I am not sure I would agree with the 80-percent figure, but I certainly feel we need time in order to plan and we need as much of the resources as possible in order to use them wisely. I would say certainly a 3-year period.

Mr. Mazzoli. You have personally experienced difficulty based on late appropriations and confusion as to what you might get?

Dr. Watts. No question about it. Locals come in with programs and proposals for State approval; they use a "guesstimation" kind of approach in many areas because they don't know the dollar allocation. As a result, in some cases they are attempting to hire the staff when they don't need them or can't get them, or then they have to turn around and lay them off because the money isn't there.

Mr. Lawton. I agree with that 100 percent.

Mr. Gittings. Could I give you an example? Three years ago as assistant superintendent for elementary education I was put in the position, although the State Department had approved our proposal and had assured us we were going to get the money, of having committed $4 million of local funds prior to our actually knowing that we had the money. Now if we had not gotten that money we would have been in an awful fix.

Mr. Mazzoli. Very good. Do you agree, gentlemen, with the suggestion that once a particular classroom or particular school has 50 percent or more title I children, all children in the classroom or school should be permitted to participate in title I programs? Dr. Watts?

Dr. Watts. I think they should be permitted to participate in the program if there is a need for them to do so, if this is a documented need; yes.

Mr. Mazzoli. Again, going back to your answer to an earlier question about the assessment of needs based on experiments and oversight and examination of these children.

Dr. Watts. That's right; as long as it is a designated title I school and they know they have their appropriate number in order to get that designation.

Mr. Mazzoli. In other words, a title I child then would be, in your opinion, more than simply one who comes from an AFDC family or one who comes from a census tract?

Dr. Watts. Yes; once that has been established, I would think we would look at educational deprivation rather than money consideration.

Mr. Mazzoli. Then the money should follow him to a different school.

Dr. WATTS. As long as we don't send it across town to another area where some concomitant things don't take place.

Mr. MAZZOLI. Perhaps you can explain.

Dr. WATTS. Yes; if there are title I students in the title I school, and suddenly some shifts occur in population by virtue of housing patterns, and some of the students move to other schools, I think the question would be should the services follow these children? I would agree with that as long as the main body of children designated title I does not suffer, and some of the cultural enrichment things and things they would enjoy are not taken away because we know when we put dollars in schools in subject matter areas, there are other things that happen to the children in the area, community involvement and so forth, and we don't want to damage "A" in order serve "B," in an isolated case.

Mr. MAZZOLI. Do you think possibly, Doctor, some local discretion would have to be called in then?

Dr. WATTS. No question about it.

Mr. MAZZOLI. Mr. Lawton?

Mr. LAWTON. Yes; I would agree with that, but with a few reservations. I am not sure whether you are talking about title I funding, $300 per child, if this is the figure, to follow this child into another school. If there are only 10 children that go into this other school which is not a title I school, how are you going to allocate $3,000 to this other school and what is it to be for? In other words, we would have to write a whole new program for a nontitle I school in order to carry through with these people that move from one school to another

Mr. MAZZOLI. I assume from these questions that with designation orders and population shifts and movements you now have many of the children who formerly were in title I schools and were clearly themselves educationally disadvantaged spread out into suburban schools and all over the maps. How would you overcome that problem or do you have some ideas?

Mr. GITTINGS. I want to react from a big city standpoint. I think the reverse is true in Baltimore City. The children who are title I are still with us. They haven't moved to the suburbs. And some of the youngsters who were not even in Baltimore 10 years ago or their parents or comparable youngsters are now with us. In other words, I am trying to say we are working with a population that is getting poorer, rather than richer. And they come to us with less native ability rather than more. So I believe that the reverse is true with us.

Mr. MAZZOLI. What happens if these children from the inner city, for instance, the most difficult educational cases, are then because of desegregation orders, caused to move their schooling at least to a suburban area? Should the title I money or some type of money follow that child into the school, or should it just remain where it is?

Dr. WATTS. That's not the case in Maryland. We don't have this kind of thing, but maybe we need to look forward to it. I would agree that should be given serious consideration, but we do not have that in Maryland. We are saying simply that if a kid moves from one school within the city to another school which is not designated title I within the city, it might be possible to let some services such as some equipment, some other small things, we certainly couldn't have a full-blown program as Mr. Lawton pointed out, and it would be difficult in some degree with assurances and applications that come in. But I think that as a State agency we have left the door open and we do believe philosophically in the concept that services ought to follow children who are originally included in the title I program.

Mr. GITTINGS. There is one other thing to that because here again we can give some specifics. In Baltimore city, youngsters who have moved from the title I schools that we are able to serve typically have moved to schools that are eligible for title I funds, but because we don't have the money, we can't serve them.

Mr. MAZZOLI. I see.

Mr. GITTINGS. So if we had more money, there would be no problem.

Mr. MAZZOLI. Do you agree with the suggestion that there should be a 1-year timelag before any new regulations can go into effect for title I? It has also been suggested that local school administrators be given a chance to comment upon any new proposed regulation. Would you agree with the 1-year timelag and ability to comment? Dr. Watts?

Dr. WATTS. That seems reasonable. I would agree wholeheartedly that locals ought to have input, that as you say these are the implementers and people on the firing line. With regard to the 1-year designation, that sounds reasonable; I am not sure it would have to be a year; that would, I guess, depend upon the situation. But some advance notice would certainly be acceptable.

Mr. MAZZOLI. Has your school district encountered any problems in implementing the new requirement for local parental advisory councils?

Mr. GITTINGS. I think we have been extremely successful in this area and have hired parent liasions who typically are parents from the neighborhood to work with the parents of ESEA youngsters in their schools, to bring them in for meetings, to form councils. We have formed our citywide advisory council and I think this has been something that it took us time to get off the ground, but once we got it started, I believe it is moving well. Wouldn't you agree with me?

Mr. LAWTON. One-hundred percent. In fact, our local committee, which has representation from each of our title I schools, is now very much interested in writing the proposal themselves. And we are going to actually have a training program for this committee on proposal writing.

Mr. GITTINGS. They made major input in the last proposals.

Mr. MAZZOLI. Have you encountered any problems in implementing the new regulation for comparability within the school district? And I think you have as your testimony—perhaps you can elaborate just a little bit.

Dr. WATTS. Yes. Well, we have encountered some problems with regard to timing, with regard to auditing the statistics that come in, with regard to providing technical assistance that would allow locals to ferret out the data that is required, with regard to determining school by school expenditures and instructional costs. School systems are not geared for this.

Mr. MAZZOLI. You mentioned the young aggressive teacher as against the older——

Dr. WATTS. That's right, and I think we again would refer the committee to the report by the——

Mr. MAZZOLI. The lawyers?

Dr. WATTS. The lawyer's group, because we feel as it appeared in Education Daily, I haven't had an opportunity to peruse the actual report itself, I have it, but I think the idea of inflexibility here is a good one, and I think they have some good recommendations on tap, and I think the committee ought to give some consideration to those. Those are generally in line with our thought.

Mr. MAZZOLI. Do you believe that title I money should be restricted to title I elementary school programs until appropriations are significantly increased?

Dr. WATTS. I would like to say I think that is a good idea, provided that the general funding level is not decreased. I think that as long as the funding level stays the same or hopefully is increased, we could then concentrate for impact purposes and add on as funds become available.

Mr. MAZZOLI. You pointed out in the answer to the previous question that one of your problems in Baltimore City is the fact that kids leave to go into another school which could be title I, but you have no funds for it, so that first you always presuppose increased funding to take care of all of the children——

Dr. WATTS. Definitely the priority is the elementary school, providing funding is not cut back just to accommodate funding for elementary schools.

Mr. GITTINGS. We are emphasizing our preschool programs, we have already gone in this direction, and our second and third grade programs, and at this point are only working with second grade and a limited number of them.

Mr. MAZZOLI. Do you see any problems with evaluation?

Dr. WATTS. Yes, we feel the best evaluation can be undertaken by locals if they are told to do so. We do not approve projects that do not have some built-in evaluation because it is required.

Mr. MAZZOLI. I am a neophyte in all of this. Are evaluations now conducted by observers from HEW, or are they done locally?

Dr. WATTS. The evaluations can be done by various local groups, but are usually done under the basic grant, neglected, delinquent, handicapped, separate evaluations, and sent to the State. From those evaluations the State compiles its evaluation. We lose something in the process, no question about it, then we move it on to the U.S. Office of Education.

Mr. LAWTON. I think it is almost essential that some money be set aside for local evaluation because if you are in a large school system, if you are dealing with 34,000 children and have test results for 34,000 children, as well as pre-title I and post-title I, and during, you have got to spend a lot of money to have these things processed.

Mr. MAZZOLI. So money would help from that standpoint.

Do you see any need, gentlemen, for increased local flexibility in choosing eligible school attendance zones? The suggestion has been made that title I funds ought to be available for educationally deprived children, regardless of where they live in a school district.

Would you agree, Dr. Watts, or do you have some observations on that premise?

Dr. WATTS. I think in that regard that we will want some flexibility. The flexibility I would like to see in addition to local input is flexibility in the guidelines. This is what I am asking for—I am not asking for additional constraints, but in this particular instance I would like to see something that would provide a different approach. Right now we have to reestablish our schools based on numbers of children in attendance areas, et cetera. Quite often because of a new housing project, or because of a sudden shift because of one reason or another, the school is in 1 year and out the next, and you and I know that we can't have the flower come to fruition in 10 months. It is impossible. So we have got to allow enough time, I believe, for a school that comes in a title I program to make some impact on children, and I would suggest a 2- or 3-year period without changing schools, and this reevaluation should take place every 2 or 3 years, rather than on a mandatory 1-year basis. That's the kind of flexibility I would like to see.

Mr. MAZZOLI. If I am correct, once a school is designated title I, it would remain so for at least 3 years.

Dr. WATTS. That's right, if it is legitimately in the program.

Mr. MAZZOLI. Mr. Lawton, do you agree?

Mr. LAWTON. I would agree.

Mr. GITTINGS. I would agree with that with one other stipulation. I believe you are coming to it later, if these are the same questions.

Mr. MAZZOLI. They are.

Mr. GITTINGS. That being that when a school must be withdrawn from the title I program, it ought to be done slowly and not suddenly. And have parents, teachers, pupils, everybody suddenly know that we were ESEA last year, we are not ESEA this year. But rather we are gradually phasing you out of ESEA.

Mr. MAZZOLI. The criticism has been made that title I programs are not integrated enough into the regular school program. Would you gentlemen have any comments on this with respect to your particular situation?

Mr. GITTINGS. I believe in Baltimore City that our programs are well integrated. I think they can be better integrated, and that's part of my responsibility. And I will try to do so. But I think as of the moment they are well integrated.

Mr. MAZZOLI. Woven into the regular school program. I guess maybe the next question is somewhat along that line. Have you encountered any problems in involving private school children in your title I programs, and if not, then in what type of programs have you involved these children? Perhaps Dr. Watts or Mr. Gittings.

Mr. GITTINGS. I think probably Mr. Lawton could speak to that better than I can.

Mr. LAWTON. We have had no problem actually in involving the nonpublic schools because they know the guidelines, they know the program, and they are very much interested in it themselves. The fact is they come to us, and we also go to them and we work together on the development of the project.

The fact is nonpublic schools in Baltimore City, even though the money comes through the city and is redistributed to the private schools, have developed their program pretty much upon the needs of their schools, with the limitation, of course, of the objectives that we are trying to do as far as the children of Baltimore City.

Mr. GITTINGS. We do have a liaison who works between the Baltimore City schools and the nonpublic schools on a regular basis. So we keep in constant contact with one another.

Dr. WATTS. Throughout the State we have found that when the administration of both the private and public schools is tooled up for this kind of coordination, it goes rather smoothly. When it is not, we have some problems, and it is a matter, I think, of administrative attack with regard to bringing this coordination about. Generally when we find the public school workshops including, for title I, nonpublic schools, when we find the public school planning for title I including nonpublic schools, we find a good relationship. When we find that not happening, we don't find as good a relationship, and there is a difference, and I think this is an administrative approach from the local public school systems and local private school systems.

Mr. MAZZOLI. Doctor, has your experience been that this is generally improving?

Dr. WATTS. Definitely improving, and I think it is our responsibility at the State level to encourage and monitor that and to follow through, but we are finding generally that the public school program and the nonpublic school program are coming closer together with regard to disadvantaged children, and we think that is a plus, as they meet their needs.

Mr. MAZZOLI. Dr. Watts, have you experienced any problems with the State department of education regulations forbidding use of title I funds to any student who has participated in a title I program the year before, but has reached a level of accomplishment which would bar his or her further participation?

Apparently some States have a regulation absolutely forbidding title I aid to any student who achieves a certain reading level, for instance. Are you troubled with anything like that?

Dr. WATTS. We leave the door open on that and work closely with locals, and we determine whether or not the follow-through, moving out of the third grade level or in Baltimore City cases, out of the fourth grade level, needs some supplementary services. In some cases some subdivisions apply for additional funds to follow children that they feel are not comfortable without the supportive service.

Mr. MAZZOLI. If you have court-ordered or voluntary integration in your district, do you permit the title I funds to follow the child, which is along the lines of earlier colloquy here?

Dr. WATTS. We permit it to follow the child, we don't have those problems in Maryland now. Maybe we need it.

Mr. QUIE. How can it follow the child if the child goes from a title I to a nontitle I school?

Mr. MAZZOLI. This isn't the case in Baltimore City.

Dr. WATTS. I am not sure I understood it.

Mr. QUIE. In Baltimore you have some schools that are title I and some that aren't; is that correct?

How can the money follow the child if the child moves from a title I to a nontitle I school?

Dr. WATTS. We generally don't do this quite frankly, but we don't close the door on that because there are some extenuating circumstances that will allow us to move some things over if need be.

That generally is not the case in Maryland, but we don't preclude the fact. This is the fourth-grade level thing, if we know a child is no longer disadvantaged academically, that he could very well be opted out of the program, but again we leave the door open, some services following them.

Generally this isn't happening, however.

Mr. GITTINGS. More particularly than not, if a youngster moves from a title I school in Baltimore City that is being funded, as I said earlier, he moves to a nontitle I school that should be a title I school because it is eligible, but is not funded because we don't have enough money.

Mr. MAZZOLI. Recent court cases in California, Minnesota, and Texas are providing impetus to these States to provide the same level of expenditures per pupil in every school district in the State.

Do you think Maryland would be able to raise enough money to bring low expenditure school districts up to the level of high expenditure districts?

Dr. WATTS. Maybe you should talk to Governor Mandel about this. Some observations on Maryland, it is doing, I guess, what other States are doing, and they are exploring.

There is a Governor's task force at work now on this and they are exploring several possibilities and we think that there will be a difference in State funding of education in the next fiscal year emanating from some legislative mandates, but we don't know how this will turn out.

We would like to see a little more equalization of funding according to needs of children. I go back to that because I am not sure there is an across-the-board equal expenditure per child. I think we have to, unless it is based on something more than just the things that we have come up with now, I think we have got to go back and assess the needs.

Mr. MAZZOLI. I have also been a little baffled by the idea of the assumption that is made generally that an equal expenditure of money automatically provides an equal educational opportunity.

I am not an expert, but I believe I am correct in the observation that this would not provide an equal educational opportunity to two youngsters who live, maybe side by side, much less in different areas.

So if Serrano is upheld, could this not cause the innercity school districts, Baltimore City, one of its greatest problems, in saying that equalized educational opportunity would be an equalized amount of money, whether it is Prince Georges or Baltimore City.

And that wouldn't work, would it?

Dr. WATTS. I am not sure that it would cause Baltimore more problems than it already has inasmuch as it has quite a deficit and has had to lay off quite a few teachers, as I am sure you are aware.

However, I think if it does occur, there ought to be supplementary resources tied in with the assessment of individual needs and pertinent staff to carry it out.

This is a many-faceted problem and money alone won't solve it.

Mr. MAZZOLI. I believe I attended some hearings this year where legal experts told us they didn't even believe that the court would ultimately enrich many programs funded locally, you know, where it is destined to try to improve or compensate for earlier educational misdeeds, and they say even that would be an unequal educational thing.

Dr. WATTS. That is right, and you are back to comparability.

Mr. MAZZOLI. Let me just wind up because I have really monopolized the time and the ranking minority member will have some questions. But I have sort of a general, overall question.

We are talking quite a bit nowadays about the possibility of unfettered, unstrings-attached general aid for education. Noncategorical, nonstrings attached.

If I recall Dr. Watts' testimony earlier today, these rigidities and complex guidelines are troubling you and others because you feel you are in a position to use the money wisely and well, more so than we in Washington are.

At the same time we turn the coin to the opposite side and we wonder if the presence of the strings, the presence of mandates, the presence of guidelines doesn't provide you with what you really need, which is an opportunity to spend the money in the precise areas where maybe the community would not permit the money to be spent otherwise.

So I thought maybe a couple of minutes of observation on your part, because we have a dilemma here—you would like not to have guidelines, yet you feel if you perhaps don't have them, somehow the community would not permit the money to be spent in the areas where you feel it should be spent.

Dr. WATTS. I hope the committee doesn't feel that the content of my testimony indicated we don't need guidelines. Quite the contrary, we do need guidelines. Without guidelines many of the children considered disadvantaged, I am sure, would not be as far down the road of academic improvement as they are.

However, some of these guidelines need revision and I think this is a good time to do it.

I feel my colleagues, as they from Baltimore City, would like to see across the board, say, for title I and other titles.

I trust my colleagues in Baltimore to use it for target populations but I am not sure that that would be true in all the subdivisions. I think we need some guidelines. I think we need some laws that will keep title I within the area for certain designated people.

Mr. MAZZOLI. Mr. Lawton?

Mr. LAWTON. I think title I has been relatively free as far as doing a lot of good with people that really need it.

I think in terms of general aid, some of the other programs, we should look at that very, very seriously because a lot of the money coming into local places is coming in for a specific purpose. Whether that community needs the funds for this purpose or not, this is the way it has to be used.

Quite frequently, rather than trying to supply our needs and solve these needs, we are setting up a program that really may not, may be superfluous as far as the needs of that particular community are concerned, but we set it up because the money is available to us.

But if it were in a general category, and I agree with Mr. Watts, we need guidelines as to how this money should be spent. At the same time, these guidelines should be so focused around the local needs rather than specific purposes, saying, OK, Baltimore City, you can have $2 million to do this particular job.

Mr. GITTINGS. I want to be with Mr. Watts in hoping the committee did not understand me to say we don't want guidelines.

We do want, and realize that we need guidelines. My concern is that local subdivisions and the State departments of education should have some input as you make these guidelines so they are things we can work with, rather than have them be things that only complicate our lives more.

Mr. MAZZOLI. Am I fair in stating the fact that unless you have guidelines, there is no way to withstand the community pressures—politically, pragmatically—to use it for the disadvantaged and the poor children?

Dr. WATTS. My personal answer to that is, I think you are right in some instances.

Mr. GITTINGS. In some instances.

Mr. MAZZOLI. Thank you very much.

Mr. Quie?

Mr. QUIE. I would like to ask you whether you referred to the report that I hold here on comparability which was prepared by the Lawyers' Committee on Civil Rights Under Law. I gather you support their position, but I can't tell whether you support the HEW reaction to it or not.

Let me quote a little bit here, to show you why I am in this dilemma. They quote Commissioner Marland as saying:

> Approximately 80 percent of the LEA reports showed prima facie comparability. The remaining 20 percent of the districts provided plans to achieve comparability status that appeared acceptable to OE.

Then they go on to say:

> Such a statement seems strikingly at odds with the 80 district analysis done in this report, instead of 80 percent of the districts being comparable, 98.75 of the districts are prima facie non-comparable.
>
> Instead of finding that 100 percent of the districts which belong to OE are non-comparable in 1970–71, but would be comparable in 1972–73, they found more than half could not be comparable in 1972–73, since they had not even prepared plans to achieve comparability.

Now, are you saying that you agree with this report, and that there is very bad comparability?

Or, are you saying that you support what HEW is saying?

Dr. WATTS. I said neither.

No, I said that according to Education Daily, and this was in the testimony, there were some things pointed out by this report, and I am quoting from Education Daily dated Sept. 15, 1972, which indicated a need for some flexibility in some areas with regard to reporting comparability.

I made no reference to agreeing or disagreeing with either of the reports you read.

Mr. QUIE. They have some pretty interesting recommendations too, and they urge that the schools either correct all the non-comparable districts or have OE withhold title I funds from those districts.

I guess you kind of refer to that. You say you should take a look at the teachers' salaries. But, of course, it isn't very wise to follow if all the new, vigorous teachers go to the title I schools and the older, more experienced go to the non-title I schools, because we heard testimony a couple of days ago, I believe, from Oakland, Calif., one of the biggest reasons of their progress, they are getting experienced, qualified teachers who can do much better.

I think he said he would take one experienced teacher for every two bright-eyed ones that come out of college.

Dr. WATTS. May I react?

Mr. Quie. Yes.

Dr. Watts. My point was that in a school system like Baltimore, with 19,000 some odd children, and 19 non-title I schools, I would imagine that the superintendent and other people do not assign teachers according to salaries.

I would think that they would assign them according to the jobs that they can do where there are needs in their systems to bring the best education for the children contained therein.

And I am saying that I feel that if we are as rigid as we have been in the areas of instructional salaries and maybe 1 or 2 of the other areas, that there is a danger of our cutting off funds in the case of Baltimore City, for example, of $10 million, because they didn't, in several instances, assign teachers according to whether or not they had a bachelor's or master's degree.

I think there ought to be a little more flexibility and I think some of the suggestions contained in Education Daily with reference to the lawyers' report ought to be looked at by the committee.

Mr. Quie. One of the things they suggest or recommend is that OE amend its comparability regulations to require that within any given comparability grouping, no school can be more than 5 percent deviant from the other schools, that the nontitle I school average be eliminated also. Actually compare it with the school rather than with the average of nontitle I schools.

There wouldn't be more than a 5-percent deviance in any school in Baltimore if their recommendation were carried out. What is the low school and high school in average expenditures per pupil in Baltimore, do you have that, Mr. Lawton?

Mr. Lawton. I don't have that information.

Mr. Gittings. I can't answer that. There is no low and high as such. We spend X number of dollars per pupil, local and State funds, across the city, unless there is special education or handicapped or something like that.

Mr. Quie. In some of the studies I have seen, and they were a little old, before they really got the push on comparability, there were some schools in a city where the expenditure per child was half-as-much in the ghetto area as it was in the affluent area, and there were some schools that, when title I funds were added, still weren't up to what they were spending in the affluent areas.

Now, when the Cleveland superintendent was here earlier this year, he said they had taken that to heart and they had made a switch. Now in the affluent parts of Cleveland they are spending an average of $700 per child and in the ghetto areas they are spending an average of $1,300 per child. That is counting, of course, State funds, especially for disadvantaged children and the Federal funds as well.

Mr. Gittings. My only reaction to you can be this: as an assistant superintendent for elementary education, which I have been, I was given X-number of dollars for supplies and equipment and the like. I had X-number of children in the elementary schools all over the city.

I divided the number of children into the number of dollars and gave each school an entitlement based on the number of youngsters in that school. Salary-wise I could not say, because as Mr. Watts has said, the salaries in a given school because of the stability of a faculty, the length of service of a group of teachers, and we have been faced with "you can't force a transfer thing" with the union—this kind of thing, you might find a given school ending up spending more per child salary-wise than another school.

But overall, I would hope that we were reasonably comparable.

Mr. QUIE. I imagine you have to give a report?

Mr. GITTINGS. We will have to.

Mr. QUIE. I think you point out some very important things. If we revise this legislation, you say we ought to resolve serious inequities and be sure the money goes where it is most needed. This has bothered me for some time—the horrible formula we have for distributing the money now. You would really have it better in Maryland if you got the amount per child that they are receiving in New York. You would wonder how in the world you ever could have had problems if you got that.

Of course whenever you receive the money, you know there are more needs that show up.

We have heard from a number of people from school systems who say they can tell you the name of every child that is educationally disadvantaged.

Mr. Watts, you are connected with the State, aren't you?

Dr. WATTS. That's correct.

Mr. QUIE. Mr. Gittings and Mr. Lawton, you are with Baltimore?

Mr. LAWTON. Baltimore City, that's right.

Mr. QUIE. I will ask Mr. Watts, what kind of problems would this cause you on the State level if, as the schools say, they could identify those children who are educationally disadvantaged?

I assume you can in Baltimore, too, can't you?

Mr. GITTINGS. According to the guideline.

Mr. QUIE. To what extent would these determinations be standard within Maryland?

Mr. WATTS. Much more now than they have been in the last few years because we have required, and as we go into—and the on-site monitoring process is the only way we can determine this. We can read a proposal and it says we have identified children, but the only way to validate that is to go in and determine it.

We go in and have field representatives that cover each of the four regions in Maryland and year before last we started this procedure. We are pretty well through this now where each title I central office should have a listing of title I children, the principal should have a listing of title I children, listing of the children in his school designated title I.

Each teacher should have this listing. This is baseline data which would determine the needs of those children, a good diagnosis and program to meet the needs of the program designated.

Now we can't meet needs of children unless we have identified them. We can't diagnose unless we have identified them, we can't evaluate unless we have identified them, so that is an imperative.

At the State level we have monitored this and we are happy to note Baltimore does this well, and the other three subdivisions in Maryland are now at the point where we feel they can do just that.

Mr. QUIE. How do you feel—yes, Mr. Chairman?

Chairman PERKINS. This is a point that I am likewise deeply interested in. If we can come up with a better formula, fine.

I feel that we should. But there's much doubt in my mind as to whether we can come up with a better distribution of funds.

Of course, we all know that outmoded data is always a drawback. But at the same time, there's got to be some kind of a national test, and then a State test, to determine just who is eligible. If we leave it up to the local districts over the country to say how many ineligibles they happen to have in each school district, in my judgment, we will have all the inaccuracies in the world, more than we want to get involved in, and thereby just a fighting match, a scrambling match, over the funds that are allocated.

And that's the real problem as I see it here. We have got to have some stability in the allocation of these funds.

Why don't we go and vote and come back and discuss that viewpoint with all of the witnesses here?

Mr. QUIE. These are the last witnesses, I understand. I am just about done with the questions, but I would like to find that because I know we have a horrible formula now, but there is no use in going to something different unless it is better.

I would just like to find out if that would work with disadvantaged children. Now, we do that with handicapped children, we don't seem to have any problem of identifying handicapped children and providing the money to help them.

How would you feel about counting the number of disadvantaged children, then, in Baltimore, Mr. Gittings, and distributing the aid based on the number of disadvantaged children you have, rather than the number of poor children?

Now you have a little different situation, probably, than they have in those Southern States I questioned, in that you get some currency in your data and you count welfare people who get welfare above $2,000; so you are not dependent entirely on an obsolete historical formula.

Mr. GITTINGS. Forrest and I talked about it and I am not sure we agree. My opinion as of this moment is that Baltimore City would fare better if we were allowed to count all of our educationally disadvantaged youngsters, because although we have a great many poor youngsters. I am under the impression that if we use national data and our test results, we might end up with more educationally disadvantaged children than we have poor children.

Mr. QUIE. I think many areas——

Mr. GITTINGS. I would like to be able to prove it before I make up my mind which way I want to go.

Mr. QUIE. Yes; you know if there were a mental block against doing that on the part of educators, all educators, you know, would do better not to travel that route.

But if there is willingness by some educators to say, well, maybe this is the way we ought to go, maybe we ought to explore it, not get into this idea of faking scores in order to get more money, you know. We don't want to have people feel they are inferior because of it, but we need the accuracy of getting the money where the need is.

As you pointed out, you have the need here. Let's get the money here and do the job. That's why I am asking.

Mr. GITTINGS. And there are some very poor youngsters who are also very bright youngsters.

Mr. Quie. Oh, there are some that aren't educationally disadvantaged and there are some rich kids who are pretty badly educationally disadvantaged.

Mr. Gittings. Yes; Forrest questions me a little on this but maybe at this point in time we would be a little better off to stick to educationally disadvantaged rather than poor as the major criteria.

Mr. Quie. You see, our problem is we don't know on the Federal level who is educationally disadvantaged. You know it on the school level. In fact you feel more confident there than trying to point out your poors who are going to help you.

You are halfway between on the State. I would like to hear from Mr. Watts.

Mr. Watts. I think there are several ramifications of this point. One, I think we ought to be careful that we don't separate entirely poor from disadvantaged because we might find ourselves with money only going into one area where the disadvantaged educationally are, rather than the area where there are poor and disadvantaged.

Mr. Quie. Explain that a little more.

Mr. Watts. All right.

In other words, this is all a moot question if we don't have the money to cover it anyway, I think, to some degree.

Mr. Quie. Oh, yes.

Mr. Watts. OK.

So providing we have got the money——

Mr. Quie. The reason I am asking this is that it seems to me this conservative Republican Administration is pushing toward some money, to relieve property taxes, but I think if they start moving in that direction the Congress is going to help them. We are not talking about staying at the $1.6 billion.

If we stay at $1.6 billion everybody is going to have problems. We are talking about if there is enough money.

Mr. Watts. OK. If there is enough money, I would say let's serve disadvantaged kids wherever they are.

If on the other hand there isn't enough money, then I think we better be careful that the disadvantaged students that are recognized as disadvantaged are also in some instances in poor areas.

There is a danger here.

Mr. Quie. Are you saying that we ought to take the poor, disadvantaged before we go to taking all the disadvantaged?

Mr. Watts. This is what I am saying provided that when we determine poor, now this is something that Congressman Perkins has indicated about achievement tests, and in disadvantaged—and I am flipping the coin over and we are talking about poor children now—and I think I indicated that in the testimony, that what is poor in Montgomery may not be poor in some other set county.

The impact of poorness differs. I think the law indicates now that as long as a subdivision maintains a level and sticks with it throughout the schools they can establish the poor, as long as it is under the law.

In other words, one county can see poor at $3,800. Another county can see poor under $1,800. Well, it's not the same degree of deprivation. I think once we establish that. I know this is a—politically a hot potato I am into because it isn't easy to implement, because that may mean if we say let's serve only those at the $2,000 level, children of families earning $2,000 a year, that may kick some money out of these counties. People don't want to hear that and that is understandable.

But if we are really looking at the target population with regard to poor, we ought to look at that first: then if there is additional money, we ought to look at that—because I don't think there is any question—if we have a child that is poor and academically disadvantaged, he is much worse off than a kid who is one or the other exclusive of the other.

So I think we had better serve those first and then move into the area of those who are disadvantaged if we have enough money. Sure we ought to move it on, I think, but only if we serve those in the most needed areas first, then move to the other parameters.

Mr. QUIE. The only difference I see is that I am talking about the allocation of the money. When you talk about using different degrees of poverty in the counties, that's the distribution within the county. As far as the Federal Government is concerned, we distribute the money on the basis of census information, who was poor in the 1960 census, below $2,000. We then add to that those on welfare above $2,000, so this is what I am talking about.

I think we have two different problems here. The one is how you use the money after it gets there, but I am trying to explore if we can't have a better formula in getting the money out there.

(Recess.)

Chairman PERKINS. Let me put a question to all the witnesses; it is more or less an observation. There are several questions included but I would like to hear your comments because to my way of thinking when we get down to the allocation of money, and this is perhaps the most important provision in the bill, there was considerable argument about the distribution of the money back in 1965 and there has been every year since in which we have revised the program and extended title I.

Now, of course before next year we will have new census data available, or by next year. But I would like for you to honestly state your views, and if there happens to be to your way of thinking some better way of a more equitable distribution of title I funds, naturally we would like to have your views along that line.

Now all of you know that the present title I distribution of funds is made according to the census and the AFDC data. Several witnesses have urged the use of more current data in order to reflect population shifts, and I agree with that.

But my first question is, What particular type of data would you suggest?

It has likewise been suggested that instead of using poverty data for the distribution of title I funds, school districts should report to the State Department, or the U.S. Office of Education, on their numbers of educationally deprived children and then receive their proportions of title I funds.

Do you see any possibility for abuse with this method? Do you think that financially strapped school districts might try to use loose tests to receive more money, or if there were statewide tests, do you think a State might use tests which would qualify it for more money?

I would like to hear your comments along this line.

Dr. **Watts.** I think that there are several things you have couched in the question. Maybe we can look at a few of them separately.

I think we must first determine to some degree in regard to the allocation—perhaps we ought to change, rather, the index of wealth and effort, regarding the State average, if it is more than the national average.

And I think that in some cases, and we have just discussed this here, some States get more than other States because they are wealthier States to begin with, and we are not looking at effort, we are looking at wealth. I think we have to perhaps change that or that might be a consideration.

With regard to tests, I feel that if we move to standardized tests throughout the State, there must be some standardized measure, I agree with you that perhaps we ought to move that way. But there are dangers in that as you know, such as teaching in the test, cultural bias in some sections, the language of the tests themselves, the validity and all this kind of thing.

But I feel as you have expressed, and I made a mental amen when you said that previously, I think there has to be something on a statewide level to determine what we mean by the term "educational disadvantagement." With regard to moneys coming into the subdivisions, I think that it is important that we look at percentages of deprivation within the area as well.

For instance, I cited this in my report. Five percent disadvantaged was reported in Montgomery County and 45 percent in Somerset, yet Montgomery gets three times as much allocation. Why? Because of numbers.

But we know 5 percent in a wealthy county is a great deal different from 45 percent in a poorer county, on base wealth to begin with. I think that ought to be worked into the formula as well.

Those are my three points at this moment. Maybe some of the other gentleman——

Chairman **Perkins.** Go ahead. Do you want to comment any further?

Mr. **Gittings.** The comment that I could—I could go along with State standardized tests with no problem at all. But I realize even in that there is a possibility of one State's using quite different criteria from another, with ulterior motives, or with honorable motives, regardless, and therefore creating a disparity.

Chairman **Perkins.** That is the point that worries me, the lack of uniformity. We have got to have something that is uniform throughout the country and has got some stability.

Mr. **Gittings.** If we go toward national assessment testing and that kind of thing, I think we still run a risk, because if we use a single instrument to test all of the youngsters in the country, then just as Dr. Watts said, we have some youngsters who have an English problem and we are not being fair to them. There would be a cultural bias for some other youngsters.

I guess I am almost tempted to back up and say, if you use a poverty index, and that is the most accurate measure that you have, you might be safer in the fact that all of us recognize that there is an agreement or some commonality with poverty and educational deprivation, and

I suspect that is the most accurate and foolproof data that we might be able to get at this point.

Chairman PERKINS. Do you care to comment any further?

Mr. LAWTON. I think I agree with both gentlemen. As you indicated, there is a dilemma in this whole thing. I know that Baltimore City can identify all its educationally deprived children. We could give them to you by name all the way down the line.

And if you are going to talk in terms of a percentage figure, we would get a lot more money than we would be getting now. But this poverty index I believe would be the more safe route as indicated by Mr. Gittings. And I think that the data could be updated, that this index could be pretty well current.

Now, for instance, the 1970 county census data will be coming out; it should be out now. Aren't they out yet? And I know we use the first two counties in determining the poverty level of our children for title I schools this year. And I think that there are plans of updating these figures every couple years, and if it, if this would be a current type of index that would be used, I think it probably would be more fair than anything we could do.

Dr. WATTS. May I make one other statement to link into this. I think the updating is good; I think we need to do it. But proper consideration ought to be given to some leeway whereby schools that are to be included in the program, because of one year's updating, will not be opted out because of some shift that might be due to housing projects or something the next year. If we are going to make impact and really make the Federal dollars count, then we ought to have some assurance that a school coming into a project will be there a certain amount of time before being opted out and that a phase-in period regardless of the time will be included.

Mr. DENNIS. I am Mr. Dennis from Huntsville. I would go along basically with them. We have information, as has been stated before, on educationally deprived children. I do not know how you would ever tie a formula to that, because it does not include all those children necessarily that are in title I schools.

I think probably we have a pretty good index at the present time, everything included. I think we have probably got, by tying it to the poverty index now, an overall, pretty good formula but I do not think we are updating it and I think there should be something in there that this thing should be automatically updated whether it be annually or biannually or what have you, but it should not go on for years and years and years without some sort of updating.

And I would recommend basically with the poverty index formula that we have now some provisions for updating it rather than going to the educationally deprived thing because I think you would introduce too many loopholes by trying to go strictly on tests.

As has been stated, there are many. How would you come up with one that would serve the entire country?

Chairman PERKINS. Are you prepared to comment, Mrs. Myers?

Mrs. MYERS. I agree with Mr. Dennis that perhaps we should update this data. If we went on the basis of educationally deprived using our statewide testing, we would be entitled to a greater allocation in our district than we are on our percentage of low income. This is an aside. We have a problem in our district with students who reside there but whose parents reside in some of the Northern States, perhaps even Baltimore, and they pay their taxes there. And our local effort must pay costs for students whose parents are not based there; they live with grandparents or relatives. And this gives us perhaps an expenditure, our tax base, a little difference.

I do not have the solution. But this is one thing we must deal with locally. And these Federal moneys on income, this data should be updated because we do not think that the 1970 census is accurate for our community even now because of low cost housing and things of this nature.

I have a concern which I stated earlier, in the use of standardized instruments. Perhaps in setting up guidelines for programs we should in some way build in trust, maybe, for teachers and work hard on staff development to establish a program to meet identified needs of identified students.

I do not know what the formula is but I do have a concern with these instruments. There are characteristics of these children, as Mrs. Randolph stated so well, that teachers do not understand.

Some of our children from low-income families have great strengths, they are very independent and such, yet some of our teachers do not know how to build on these strengths.

The paper and pencil may not be the measure. There is a deprivation of certain of these services to our children and you have spoken of degree of deprivation, that oftentimes that educational disadvantage or deprivation is related to this other type of need.

However the bill is designed, I would certainly want services for these children and those that need them, not just general, but to be able to give this child support for his endeavor. We have found through data which we have that it makes a difference.

Chairman PERKINS. Thank you, very much.

Mr. Williams, do you have anything to state?

Mr. WILLIAMS. No, sir.

Thank you, Mr. Chairman. I would like to reiterate what the other people have said, the fact that the current utilization of income data seems to be a pretty good way of doing it.

However, I do feel it should be updated as frequently as possible. And also that we do need to make some provisions for those educationally disadvantaged students who are not in title I schools.

In our case there are a sizable number who fall in that category. I am sure this is true in other districts. So if at all possible I think this should be taken into consideration.

Chairman PERKINS. Yes. Well, thank you very much and let me thank all of you. You have been very helpful to us.

And this bill will be extended but the question is, after we extend it and peg it at a certain level, whether we will go to general aid or just what we will do next year and that is the reason we are trying to get the best information possible.

And I want to thank all of you and we certainly hope you are back before us sometime. Thank you.

At this point, I would like to insert in the record a telegram I have received from Carlton J. Barber, Assistant Superintendent, Federal Programs, Raleigh, N.C.

[Telegram]

RALEIGH, N.C., *September 26, 1972.*

Hon. CARL D. PERKINS,
House of Representatives,
Washington, D.C.

In receipt of your wire regarding my appearance before Committee on Education and Labor at 9:30 a.m. Thursday morning, September 28. As was indicated to our legislative consultant with NEA, Alfred Carr, I have two previous commitments for that date and time and its highly probable I will not be able to attend. However, I would like to be placed on record as wholeheartedly in support of legislation to extend the Elementary and Secondary Education Act. This one piece of legislation has been of inestimable value to school districts all over the country and especially to districts in the South where continued compensatory aid is a must if our disadvantaged children are to maintain the documented gains they have made in the past five years. A number of citizens are requesting general aid to education. I subscribe to this desire but not, I repeat not, at the expense of categorical aid, which is a moral obligation which we owe the children who are now behind, have been behind and will continue behind unless our Federal Government continue to reinforce efforts in their behalf. Our district has met the requirements of comparability and will continue to do so, but extra help is necessary since local and State tax funds cannot alone bridge the gap.

Our board of education and the entire administration supports all efforts to continue this aid not only at present level of funding but as much as 20 percent additional.

CARLTON J. BARBER,
Assistant Superintendent Federal Programs.

Chairman **PERKINS**. We will terminate until next week subject to call of the Chair.

(Whereupon, at 1:10 p.m., the hearing was adjourned, subject to the call of the Chair.)

OVERSIGHT HEARINGS ON ELEMENTARY AND SECONDARY EDUCATION ACT

WEDNESDAY, OCTOBER 4, 1972

House of Representatives,
Committee on Education and Labor,
Washington, D.C.

The committee met, pursuant to call, at 9:45 a.m., in room 2175, Rayburn House Office Building, Hon. Carl D. Perkins (chairman of the committee) presiding.

Present: Representatives Perkins, Dent, Scheuer, Chisholm, and Hicks.

Staff members present: Charles W. Radcliffe, minority counsel for education.

Chairman **Perkins**. The committee will come to order.

A quorum is present. Our first witness this morning is Miss Grace Whittaker, department of title I programs, Boston, Mass., and Mr. Steven McKinney, educational planning center, Boston public schools.

Let me welcome all of you here. I am going to ask Mrs. Hicks, who is an outstanding member of this committee, to make any opening remarks that she may wish to make at this point.

Mrs. **Hicks**. Thank you very much, Mr. Chairman. I certainly appreciate the opportunity of having the panel come in from Boston relative to the very serious problems that are facing us there with the subsystem model demonstration schools.

We have brought parents and teachers from Boston together with title I people and also we have Mr. McKinney who is representing the superintendent of schools in Boston.

We have a subsystem in Boston that has been working very well. It has crested educational programs and has disseminated them successfully into other Boston schools.

They have been developing innovative programs for these children and also for other children in the system. The schools are free to attract other students from other areas and they are operating as a magnet school.

This is a new approach in Boston to quality integrated education and in order to attract the white suburban students, programs and services are available to them that are not available in other schools in the system.

The teachers themselves have been working after school to develop these programs. I feel that in our process of integrating the schools of Boston, this subsystem certainly has been in the forefront.

I wholeheartedly endorse this program and feel that the Federal Government will be working against integration if it does not totally fund this progam.

I know we have a law, the Emergency School Aid Act, and I certainly hope that the President will ask for funding for this law because by doing so, we would be able to have this program funded because it meets all of the requirements of the law as stated under the new emergency school aid bill.

I welcome the mothers who have come a long distance in order to have their testimony put in the record here for all of the members of this committee to be able to review the testimony and then there will be an investigation relative to this problem.

We have many people here from OEO, HEW and civil rights groups and we certainly welcome all of you. Together I trust that we are going to be able to do something about this problem in order that the schools of Boston will be able to have quality integrated education.

We know that the Emergency School Aid Act, when funded, will certainly be the answer for the problems that we face today.

In the interim I trust that the title I funding will be expanded in order to meet this situation.

So, Mr. Chairman, I appreciate your being here and the other members of the committee in order to hear this testimony which is an attempt to bring quality education to the schools.

Chairman PERKINS. Thank you very much, Mrs. Hicks.

Before we hear our first witness, I would like to ask unanimous consent to insert in the record at this point a report on the Cooperative Improvement Program prepared by the Center for Educational Resources, National Council on Educating the Disadvantaged.

(The report referred to follows:)

THE COOPERATIVE IMPROVEMENT PROGRAM—A COMPREHENSIVE OVERVIEW AS PROPOSED TO THE NATIONAL COUNCIL ON EDUCATING THE DISADVANTAGED

PREPARED BY JAMES HERRICK HALL, RESOURCES COORDINATOR

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PREFACE

This comprehensive overview of the Cooperative Improvement Program is a working draft of resource information for use by college and university chief administrators in determining whether or not they will affiliate with and support the National Council on Educating the Disadvantaged. This overview was designed to explain the what, who, when, where, why, and how of cooperative participation in a national effort to improve education for the disadvantaged. The disadvantaged are the below average, the average, the above average, and the gifted elementary, secondary, and college students who achieve learning below potential levels and whose education is inadequate. The Cooperative Improvement Program is essentially a plan to help teachers and their administrative and instructional supervisors to improve the quality of education. The improvement of instruction is to be achieved by developing and implementing college and university-directed postgraduate inservice practicum training for 20,000 teacher trainees who will extend individualized instruction to 500,000 disadvantaged pupils. The primary goals of the Program are remedying and preventing the disparities and deficiencies in learning resources which culminate in disadvantages and in inadequate education. The overview suggests procedures for funding the Program through token support by the cooperating educational institutions and through massive support from public and private granting agencies. The cost of the pilot, operations, and research phases of the Program is estimated at $93,000,000. More than $150,000 has been expended thus far in planning and development

The National Council on Educating the Disadvantaged is a nonprofit organization incorporated in the District of Columbia. A two-thirds majority of the members of the National Council are chief administrators of the colleges and universities affiliated in the Cooperative Improvement Program. The work of the Council is carried on by a Board of nine directors and by a national headquarters office staff.

This overview was prepared by James Herrick Hall, Resources Coordinator of the Council and the National Committee on Planning and Development. This overview was duplicated and copyrighted by the Center for Educational Resources. This working draft of the overview was prepared for in-house review by Delyte W. Morris, Executive Director of the Council and the National Committee on Planning and Development, by members of the Board of Directors, by advisory personnel associated with the Program, and by college and university chief administrators who will explore affiliation with the Council and the Program. After review and approval, a final draft of this overview will be duplicated and copyrighted by the Center for Educational Resources.

Reproduction of this working draft is restricted. Copies of the overview as needed for leadership training and for preparing funding proposals will be made available by the Center for Educational Resources to the National Council for use in colleges and universities, in the Committees on Planning and Development, and in the Local Councils.

INTRODUCTION

This information input overview was prepared to assist key leaders in the education community in making decisions about implementing affiliation with the Cooperative Improvement Program.

Many college and university chief administrators extend continuous commitment and support to the improvement of education. Improving education is also a high priority commitment of many key leaders in precollege school systems, in local, state, and national education agencies and organization, in state and Federal legislative, executive, and judicial branches of the government, in foundations and corporations which support discretionary educational philanthrophy, and in the communications media. As a general rule, agencies operate independently and separately in supporting improvement efforts.

Education might be significantly improved if select segments of the education community could be motivated to conceptualize a plan of concerted action in which each could participate effectively. A coordinated effort is needed if the quality of education required in sustaining a free, literate, and productive society is to be developed and provided. Disadvantaged precollege pupils and college and university students need learning and instruction resources and environment which are conducive to optimal achievement for all. All whose education is inadequate are disadvantaged. Achievement at potential levels is adequate education. If functional instruction is to enable all pupils and students to achieve their educational potential, cooperative efforts for functional improvement must be explored in all segments of the education community.

The select segments of the education community which could take concerted action for improvement include the chief administrators and the faculty members in the college and university system, the administrators and teachers in the precollege school system, and key leaders in the nonschool educative agencies which are responsible for effective education in our society. These nonschool educative agencies include local, state, and national education organizations; state and Federal legislative, executive, and judicial branches of the government; philanthropic foundations; corporate businesses and industry; and the communications media.

All of these agencies directly and indirectly share common responsibilities for improving education to the level of the needs of the pupils, of the students, and of society as a whole. Each agency also has specific and unique responsibilities related to improving education. A comprehensive analysis of the relationships of these unique responsibilities of the several agencies to educational improvement might stimulate interest in a plan of cooperative, rather than independent and separate, action. To that end an analysis has been made and is briefly summarized as follows:

1. The chief administrators and faculty members in the college and university system are responsible to explore and validate systems improvements until invalid theories and practices are abandoned, and until functional improvements are incorporated into ongoing, internally supported programs.
2. The administrators and teachers in the precollege school system are responsible for the operational excellence of the precollege educational system.
3. The local education agencies are responsible to initiate and implement a constructive and effective role in relating undergraduate preservice and graduate inservice training of teachers and their supervisors to the functional realities of the community, the pupils, the classroom, and the school system. The local education agencies are also responsible to advance the local school system beyond conventional compensatory projects into programs which both remedy and prevent inadequate education.
4. The state and national education agencies are responsible to refrain from duplicating the functions and services which are exclusively in the domains of the local school systems, the colleges, and the universities; to generate and coordinate resources to encourage, undergird, strengthen, and expand the programs of the local school systems, the colleges, and the universities; and to provide and administer useful support services at state and national levels.
5. The state and Federal legislative branches of the government are responsible to hear and heed what representatives of the local school systems, the colleges, and the universities have to report and recommend about the needs of the educational system, about sustaining local operational control of the school system, about improving the quality of education, about remedying the disparities in educational opportunity, about the needs of the disadvantaged, about optimal educational achievement for all pupils and students, and about the reciprocal

relationships of education, society, the economy, and our system of government. The legislative branches of the government are also responsible to establish state and Federal laws on governance in education, to authorize the executive procedures and the fiscal support by which state and Federal assistance is to be carried forward, to appropriate funds for the support of education, to levy taxes to provide the funds, and to require, examine, and certify the operational use of state and Federal assistance within the parameters of authorizations and appropriations.

6. The state and Federal executive branches of the government are responsible to recommend legislation; to assess legislation as it relates to the total population; to endorse or veto legislation; to assemble, organize, and disseminate cogent, valid, timely, and practical reports on educational needs, resources, and activities; to develop and sustain an efficient intercommunication system for administrative, instructional, and research personnel in education; to involve a broad spectrum of the education community in educational planning and development related to policy and program recommendations; and to expedite and implement the support of education as authorized and funded.

7. The state and Federal judicial branches of the government are responsible to persevere steadfastly and exclusively in the judicial domain, to apply the law with respect for the innate sanctity and dignity of all men, to interpret the law with enlightened wisdom and integrity, and to deal with the transitions from sociocultural disparity to sociocultural equality with compassionate and humane fairness, firmness, and justice.

8. The philanthropic organizations are responsible to deploy and disburse foundation capital and income into programs which are compatible with programs in the public interest under support from state and federal tax revenues; to sustain reciprocal dialogue with the education community and the public on deploying philanthrophy into social, economic, and educational programs which are in the public interest; to recognize the jeopardy into which tax exemptions for philanthrophy have fallen; to state and give outward evidence that tax exemptions on gifts to support the philanthropies of nonprofit organizations are in the public interest; to ward off the danger of commingling diverse roles and its potential for abuse; and to re-examine the rationale for foundation perpetuity.

9. Corporate business and industry are responsible to recognize and acknowledge the impact of education upon the economy, to make sound investments in education, to extend philanthrophy to education, to conceptualize and assist in implementing the reciprocal benefits of a more functional curriculum in the educational system as a whole, and to expand the economy in a manner and at a pace which are compatible with the optimal operation of the education system.

10. The communications media is responsible to differentiate between the media practices of open and closed societies, to observe the basic rules for media in free and open societies, to relate to the total spectrum of human personality, to accept accountability to a society in which the media is a privileged and respected voice, to recognize the inseparable bonds by which the media and education have become voluntarily, beneficially, and mutually indentured, to deploy the resources of the media for man's collective and progressive pursuit of excellence, and to protect and preserve man's fragile equity in human survival.

The share of responsibility to American education accepted by each of the above institutions and agencies is reflected in their resources allocation to education. There is wide agreement that education could achieve functional improvement through a more effective commitment and utilization of resources.

The improvement of education will require moderate redeployment of existing internal resources in each of the above named institutional components of the education community. There must also be very substantial increases in external supplementary resources for all segments of the education community where improvement is dependent upon modifications and changes in educational operations and practices.

Political pressures to terminate or reduce the tax-exempt status of private foundations are making significant changes in the relationships between the foundations and the colleges and universities. Political party victories at national and state levels are accompanied by reorganizations in Federal and state funding agencies.

Public and private granting agency support for education improvement programs fluctuates, runs in cycles, and reacts to many variables. Pressures and reorganizations tend to collapse or phase out existing programs and to usher in program modifications and new support systems. Involvement in improvement efforts tends to expand and flourish when external funds are plentiful and tends to contract and wane when external funds are curtailed.

The chief administrators of the colleges and universities can probably have greater influence upon increasing the availability of funds and upon stabilizing external funding policies and practices than any other group of educators. Chief administrators and other educational leaders can affiliate with improvement programs if optimal and stable assistance is provided by both public and private funding agencies.

As a general rule, the chief administrators of fully developed, powerful, and renowned universities achieve great success in securing both regular and supplementary support for their improvement programs and projects. They advise legislative committees on funding authorizations. They are sophisticated in the use of external funding strategies which insure and enhance consideration by the granting agencies. They have the resources and the expertise to be among the first to know about available funds. They effectively utilize maximum lead time in competing for external funds. The granting agencies frequently invite them to become program participants. They are welcomed in consortia and their cooperative affiliation is sought. They can underwrite separate and independent institutional action. They capitalize upon the importance of their prestige and financial strength.

The developing and less renowned institutions are seriously handicapped in competing for external funds if they take only independent action in seeking support. A cooperative enterprise which includes both fully developed and developing institutions might coordinate the resources which are required in securing external funding and might tend more equitably to minimize competition.

A large number of chief administrators—far more than a consortium could accommodate—will need to work together if all available resources, all pressing needs, and all potential capabilities are to be coordinated. The sheer magnitude of available external support is overwhelming. The costs involved in preparing and disseminating the input of information required in securing external funds are prohibitive. Optimal funding and program participation necessitate cooperation in sharing the benefits and the costs of coordination services by professionals in this highly specialized field. Chief administrators should explore fully the nominal costs and the phenominal potential of becoming affiliated with a full service, cooperative improvement program.

The life span of externally funded programs is usually limited to a prescribed number of years during which the amount of external assistance is gradually phased out. To a great extent, perhaps predominantly, the improvement programs which are authorized and funded tend to regress to project status prior to phaseout.

During the life of a grant, the funding agencies advise the grantees to offset external support reductions by increasing cost-sharing. Usually, however, project activities are discontinued when external support is terminated. Instead of sustaining supplementary program activities with internal budget support for total continuing costs, the grantees frequently shift into previously untapped external support areas, hoping therein to replicate the whole funding process from proposal writing to phaseout.

These conditions foster a succession of program involvements and project assignments so commonplace to many chief administrators that only routine approval is required to initiate the search for external support for new supplementary projects. Far more than a routine project is needed to improve education to the level of the needs of the disadvantaged. Far more than the chief administrator's routine approval is needed in implementing a cooperative effort to improve education within the context of a program rather than another in a succession of projects.

The Committee on Planning and Development has prepared this information input overview to facilitate the recommendation that more than routine approval be given by affiliating chief administrators and other educational leaders to exploring the Cooperative Improvement Program. There are substantive reasons for recommending that the chief administrators and other educational leaders go beyond the routine approval of exploring affiliation with a cooperative improvement program. The Committee on Planning and Development has worked for several years to design a program rather than a project. While more than $150,000 has been expended in planning and development thus far, less than $32,000 has been recovered from external grants. Of the $150,000 expended, less than

$5,000 has been paid out as salaries and there have been no tangible fringe benefits.

With this extensive investment in planning, it should be obvious that the substantive reasons for full commitment by the chief administrators to a full-service program to improve education cannot be reduced to a one-page abstract. Even a résumé, condensation, or cursory outline of these reasons could be so commonplace that "routine approval" would be reflexive. Once initated, routine approval will run its course, step by step, to the end of the administrative line. This could initiate project participation but not program commitment.

Institutional commitment is not achieved automatically, instantaneously, or spontaneously. Commitment accompanies conceptualizing and assuming responsibility. Conceptualizing and assuming responsibility are initiated, encouraged, and nourished by essential information input. Knowing about the Program can lead to understanding. Full understanding will have a great deal to do with implementing and sustaining decisions to explore affiliation.

A program of the magnitude described below is not commonplace. A college or university will initiate becoming an integral part of this effort when more than typical project conceptualization prevails.

An emerging consensus on the imperative urgency to stimulate concerted action to improve education has culminated in the organization of the National Council on Educating the Disadvantaged and in launching the Cooperative Improvement Program. The National Council was constituted to facilitate a national system of cooperative university programs to improve education for the disadvantaged. The National Council operates as a nonprofit organization. Council programs are administered by a Board of Directors and an Executive Staff. The national office of the Council and the Board is in Washington, D.C. The pilot demonstration of the Cooperative Improvement Program is to ran for five years in 26 states with 65 colleges and universities participating. Twenty thousand teacher trainees, 100,090 teacher-tutors, 100,000 teacher-aides, and 500,000 disadvantaged pupils are to be enrolled in the pilot demonstration. The estimated cost of the Program is $93,000,000. The Council is described in full in the Constitution and By-Laws of the Council, a copy of which is included in the appendix of this information input document.

Motivating the conceptulization of a plan of concerted action has been the function of the Committee on Planning and Development and the Executive Staff of the Council Board. Stimulating interest in the Cooperative Improvement Program to the point of exploring participation is being carried on by staff conferences with key personnel and by information input resources which provide a full overview of the Program. The Committee on Planning and Development, the Council Board, and the Executive Staff believe that the National Council can implement concerted action if key leaders in responsible educational agencies and institutions affiliated with and participate in the Program. Believing this, the Staff has gone far beyond the typical adminstrative prospectus in preparing this information input overview to assist educational leaders in making decisions about the Council and the Cooperative Improvement Program.

The National Council will concentrate its coordinating activities in work with the chief administrators and faculty members in the colleges and universities, with the administrators, the teachers, and the disadvantaged pupils and students in the precollege and junior college school systems, with the Program Planning and Development personnel and the Local Council leadership, and with the public and private funding agency leadership. If the National Council is successful in helping these components of the education community to contribute to the improvement of education, it is anticipated that other segments of the education community will find ways to keep pace with what may become a national commitment to the improvement of education.

The National Council on Educating the Disadvantaged is committed to implement the Cooperative Improvement Program in the hope that the Program will not regress into conventional, ad hoc, categorical projects. If the commitment of the Council is to survive, discernible trends and regression tendencies from dynamic programs to ad hoc projects must be reversed. The Program needs to be conceptualized in its full dimensions.

There are substantive reasons for the commitment of the Council to a responsible role in inaugurating a dynamic improvement program. The Council seeks to serve as an integral, dispassionate, objective, and helpful member of the education community; not as an extraneous, biased, self-serving and destructive part of a hypocritically censorious movement. The decision of the Council to implement a dynamic program rather than another ad hoc project is based upon a systems assessment of the organizational and administrative plans and procedures which will be required if education for the disadvantaged is to be improved. This assessment is concerned with central rather than peripheral issues. The components of this assessment, as it relates to the educational leaders to who this information input overview is addressed, appear below in the form of a dialogue of questions and answers on central issues. This dialogue presents a consensus of viewpoints submitted by the Committee on Planning and Development. This dialogue is divided into three sections as follows:

I. Central issues of concern to all cooperating educational leaders.

II. Central issues of concern to educational leaders who are in process of arriving at a decision to participate in the program.

III. Central issues of concern to educational leaders who have made the decision to participate in the program.

It is hoped that chief administrators will give this information input overview the full consideration which improving education for the disadvantaged deserves. The improvement of education for the disadvantaged should be fully explored by higher education. This comprehensive overview of the Cooperative Improvement Program represents a cooperative service of the National Council Board and Staff to the chief administrators to help them conceptualize a united effort by all responsible agencies to overcome the disadvantages of inadequate education.

I. CENTRAL ISSUES OF CONCERN TO ALL COOPERATING EDUCATIONAL LEADERS

1. *Why does the Committee on Planning and Development advocate an improvement program rather than an improvement project?*

A cooperative effort to improve education has been planned and is advocated within the context of a program rather than a conventional project. The terms *program* and *project* are not used as interchangeable words in this overview. In ordinary usage, the terms have some similarities of meaning. For example, *programs* may mean plans for future procedures and *projects* may connote plans, designs, and proposal. Both programs and projects deal with problems and with plans for their solution

These terms also have differences in meaning in conventional usage. In education, *program* may denote a curriculum, a prospectus, or a syllabus; *project* may denote a unit within a curriculum, a daily lesson plan within a unit, or a task involving a phase of school work to be carried out by a student. Additional differences in meaning are in common usage. In some graduate programs, a doctoral dissertation might be considered as an integral project related to the degree programs. In other graduate situations, the dissertation may be described as a program.

The frame of reference in which the Committee on Planning and Development advocates improving education for the disadvantaged is difficult, if not impossible, to comprehend when the terms *program* and *project* are restricted to conventional definitions. These terms are used herein to articulate unique rather than conventional concepts which are related to education and its improvement. The primary reasons for the existence of schools, colleges, and universities are education for all and the optimal improvement of education.

All other reasons for existence are secondary to these primary reasons. The term *program* embraces education for all and the optimal improvement of education. The term *program* implies that strategic changes in education are involved in optimal improvement, that inadequate educational outcomes are rejected, and that optimal achievement at potential levels is sought. The term implies that a course of action has been planned to enable the educational system to make the transition from inadequate outcomes to optimal achievements. The term implies that one significant inadequate outcome of the educational system is the disadvantaged. The term *program* implies that a substantive plan has been formulated for a course of action on behalf of the disadvantaged. The term implics that the disadvantaged acquire less than adequate education in typical precollege and college experiences. The term implies that substantive procedures are recommended to remedy and prevent inadequate education. The term refers to the central activities which have top priority status in schools, colleges, and universities. The term implies basic, continuing support from regular budget funds and supplementary support from external funds.

The term *project*, as used in this overview, refers to peripheral activities which lack top priority status and are dependent upon either external and supplementary or internal and contingency support for implementation. Projects are seldom supported from regular budget funds. If securing external funds is an end in itself, rather than a means, projects are favored over programs. Grants for programs are sometimes dissipated in inconsequential ad hoc projects. Projects may or may not be oriented to needs but are always oriented to grant specifications and requirements in term of prescribed and proscribed objectives and time and resources parameters.

The National Council's reason for being is the Cooperative Improvement Program. The Council was incorporated to help schools, colleges, and universities in improving the quality of education to the level of the needs of all pupils and students who are presently dropping out of school or graduating with an inadequate education. The Council Board and Staff are seeking support to implement this Program. This Program has evolved through interactive processes of growth and development into tangible procedures for affiliation and participation by precollege educational systems, by cooperating colleges and universities, and by public and private granting agencies. The Program is at the apex of the priority commitments of the Committee on Planning and Development, the Council Board, and the Executive Staff. When the National Council holds its organizational meeting in November, 1972, the Council will commit its resources—present and future—human, material, and financial—to help teachers and their supervisors in their efforts to provide adequate, functional education for all. The Program is integral to ongoing education. The Program is conceptualized as an effort to enable education to function in a more effective and productive manner than has hitherto been achieved. The Program is to function within the system as a dynamic force for the improvement of ongoing education. The Council will have achieved its purposes and fulfilled its responsibilities when functional practices of elementary and secondary schools and of colleges and universities are improved to the level of the needs of the learners and their teachers and ongoing internal budget-supported programs provide adequate education for all.

There is a context in which projects are exploratory efforts to try out new ideas. In this context, successful exploratory efforts transform projects into integral components of programs. Educational leaders are asked to explore the Cooperative Improvement Program to determine whether or not it should be incorporated into ongoing dynamic programs. Within this context, there is a project aspect in initiating cooperative involvement in the Program and there is a program aspect in implementation and operations.

Members of the Committee on Planning and Development have had ample opportunity to achieve an awareness of the educational leaders' conventional orientation to both programs and projects. The chief administrator is predominantly program-oriented. The intermediate administrator is predominantly project-oriented. While there are orientation overlaps throughout the administrative hierarchy, there seems to be a predominance of one or the other orientations at given administrative levels in most schools, colleges, and universities.

We have weighed the impact of disadvantages, the ineffectiveness of projects in overcoming disadvantages, the necessity for exploring programs as possible means for remedies and prevention, and the complexities of bringing about changes in the educational system, without which education cannot be improved.

We have sought to prevent the Cooperative Improvement Program from becoming indentured to the project system. We have been unwilling for the Program to become a rash of tangential, unilateral, ad hoc projects.

We have reached a decision to establish cooperative improvement efforts within a program system. Reaching this decision has lengthened the time requirements for planning and has exhausted planning resources. Even so, we have conceptualized a program, developed a reasonable rationale for its existence, and designed a coordinated strategy for its implementation.

2. *Is project funding ineffective in improving the educational system?*

During the last fifteen years, members of our Committee on Planning and Development have made a comprehensive study on implementing the improvement of education for the disadvantaged.

This study has consisted of attending Congressional hearings; conferring with foundation executives; participating in national, regional, and local panels, seminars, and workshops; conferring with public granting agency officers; canvassing much of the extensive related literature; preparing bibliographies; observing at laboratory and demonstration centers across the nation; teaching in the classroom; directing field studies, observation teams, and interns; advising college and university chief administrators and faculty members; counseling graduate students; directing research; developing specialist and Ph.D. programs; and writing proposals, progress reports, position papers, operations manuals, and research summaries.

Thus far, our studies tend to show that the external funding of discrete unilateral projects does not improve the education system to the level of the needs of the disadvantaged.

Project funding is ineffective when problems are psycho-socio-culturally complex, consist of multiple variables, and have remained unresolved through decades of ad hoc categorical studies.

3. *Does cursory project action have a capacity to impair rather than improve education?*

Our continuing assessment of the contemporary educational system identifies substantive strengths, weaknesses, positives, negatives, advantages, and disadvantages. We find that categorical ad hoc funding tends to favor projects which ordinarily deal with reinforcing factors which are assumed to be indicators or symptoms of strengths, positives, and advantages.

Assumptions which disregard underlying causes of inadequate achievement in education by the disadvantaged lead to cursory diagnoses and symptomatic treatments. Assumption-based project action may prompt educators to compensate for systems deficiencies by doing more of what seems to be effective.

If this course of action disregards the side-effect weaknesses and disadvantages of the system, the support of compensatory projects may impair rather than improve the effectiveness of the system. This could compound the disadvantages which may result from malfunctions in the instructional and learning processes of the system.

4. *Do programs tend to regress in projects? Is this a malfunction of program implementation? Is there evidence of this malfunction in typical teacher education programs?*

Many internally and externally supported programs have tended to deteriorate into projects even though budgeting and granting agencies generally authorize and fund programs. Colleges and universities and local education agencies have frequently used program dollars for the support of programs which have regressed into projects. This is a malfunction in program implementation.

The implications of this malfunction can be visualized by reviewing the patterns of deterioration which are typical when teacher-education programs are transmuted and converted into teacher-education projects in colleges and schools of education.

When teacher-education programs regress to a conventional project level, advisement becomes class schedule approval predicated upon student convenience-oriented preferences rather than interdisciplinary course content needed in professional programs; both full-strength and watered-down avenues to certification are offered and students are permitted to elect weakest alternatives; courses are presented and taken basically as certification and renewal requirements, or for monetary emoluments; generalized lectures displace individualized instruction; usually, preservice student teaching provides only limited and terminal laboratory experience; practicum experience in graduate and postgraduate training is nebulous at best because it is prohibited or impeded by stereotyped educational practice; book-centered instruction and assignments are overstressed; topic-oriented corroborative reading and superficial and perfunctory excursions into the standard reference literature are substituted for problem-oriented research; and program-improvement-oriented staff recruitment and development are unexplored. Furthermore, in project-oriented teacher education accreditation reviews are ordinarily ad hoc committee assignments limited to minimum standards; teaching load formulas omit faculty field study and field experience; diminished awareness of the instructional problems of precollege teachers tends to perpetuate nonfunctional, nonrelevant curricula; and proliferated committee responsibilities, promotion and reward distractions, and enervating teaching routines reduce the improvement of instruction to inconsequential priority levels of faculty professional commitment.

Our primary concerns relate to remedying and preventing these malfunctions which operate in all professional and academic fields, as well as in teacher education.

5. *How is the soft-dollar syndrome manifested in the transformation of programs into projects?*

A basic factor in the transformation of programs into projects is the soft-dollar syndrome which surfaces during supplementary, ad hoc, external funding. In this syndrome, tenured faculty react unfavorably to involvement in grantsmanship, to the tedium of reporting requirements, to the erosion of academic self-direction, to peripheral activities resulting in isolation and status loss, to the unpredictability and insecurity of ad hoc support, to the reorganizational upheavals inevitable in the ebb and flow of politization, and to eventual and often premature project termination.

If project dollars are soft, supplementary and nontenured faculty are assigned the leadership roles which tenured faculty avoid.

Faculty disagreements and tensions over proprietary rights to overhead recovery funds weaken interest and morale.

As the symptoms of this syndrome surface, it becomes evident that improvement programs must eventually rely upon internal budget support with supplementary external assistance rather than upon soft-dollar funding exclusively.

Soft-dollar funding is neither an instantaneous nor an automatic process. It is more costly and less efficient than internal budget funding. It is wasteful to the degree and extent that it requires procurement, maintenance, and renewal costs. It is self-defeating to the extent that it requires a bureaucratic brokerage system which materially shrinks tax dollars before they are returned in the form of grants.

The eventual changeover from external soft-dollar funding to internal budget support will grow out of central administration decisions arrived at in the colleges and universities and out of action in Federal and state legislatures rather than under the aegis of state and Federal executive bureaus and agencies whose existence is dependent upon perpetuating soft-dollar funding.

If the education community as a whole could allocate regular internal resources to the effective improvement of education, the dependency upon soft-dollar funding could be relieved except in situations related to unusual or exploratory activities in which supplementary soft dollars may be needed for planning, development, and research.

Soft dollars are relatively abundant and flow through many granting channels. All available soft dollars and all soft-dollar granting channels should be used to the maximum in moving optimally toward the full funding of improvement programs from regular internal sources.

6. *What are the implications for colleges and universities of emerging practices in the discretionary support of educational programs by foundations and in the accelerating shift from project to discretionary program support by Federal agencies?*

Foundations are reacting to the pressure generated in existing and proposed changes in Federal tax legislation. If ceilings are set for capital assets, grants from capital may increase. If capital is reduced at a prescribed annual rate without ceilings, grants from income may decline to replenish capital assets. To the extent that foundation income is taxed, grants from income will have to be reduced. Controversy about foundations tends to modify criteria for acceptable programs. Foundation interest in programs tends to fluctuate with the changing times. Many foundations demonstrate functional interest in the improvement of education and have funds for programs which come within the parameters of their discretion. Far too few of the public colleges and universities utilize the available resources of foundations optimally. A knowledgeable and cooperative appeal to the foundations could be productive and helpful.

The accelerating shift from project support to the discretionary program support of education by Federal agencies will be materially helpful if it provides assistance to improve the educational system in local education agencies, colleges, and universities rather than assistance to displace or bypass the system. The system would be strengthened and improved by changes in teacher preparation, certification, accreditation, inservice training, and evaluation. These changes should be intrinsic to the program of self-study in the system. It is not within the discretion of the Federal agencies to create a national bureaucracy of education to attempt needed reform by initiating programs which may eventually displace the historic role and function of the local education agencies to provide quality education for all, of the states to set the standards for licensing of teachers and administrators, and of the colleges and universities to provide professional theory and practice for the preparation, induction, and evaluation of educational personnel. It is within the discretionary province of the Federal education agencies to minimize the politization which will overshadow external funding to the detriment of improvement programs unless politization is overtly minimized. A continuing and critical assessment of current trends in private and public discretionary support of improvement programs should be sustained.

7. *Are the problems involved in improving education for the disadvantaged so complex, varied, unresolved, and change-oriented that a cooperative improvement program is needed?*

Functional remedies are needed for the damage imposed upon pupils from the first grade through sophomore college levels by disparities and inequalities in their educational opportunities and resources. These disparities may produce breaches and gaps in substantive learning achievement. Discontinuities and broken sequences in the development of habits and skills, knowledges and understandings, and attitudes and value systems result from disparities and inequalities. There is also a need to identify and prevent the development and perpetuation of conditions and factors which contribute to inadequate education for dropouts and also for many graduates from high school and college.

There is almost universal agreement that the quality and functional effectiveness of education for the disadvantaged needs to be improved. Far too many pupils drop out overtly. Many others, to an undetermined degree, drop out covertly as interest in learning is diminished. It has been estimated that here is one pupil per three hundred enrolled in our public schools who has the intellectual capacity of an Einstein but will never be discovered and motivated to optimal learning achievement.

The improvement of education for the disadvantaged will require that knowledge gaps and breaches be closed and that disparities in opportunities and resources be equalized if pupils are to achieve potential levels of education. Less than potential achievement is inadequate. Inadequate education proliferates and perpetuates disadvantages.

When education is improved, classroom pupils who incur knowledge gaps and suffer the effects of disparities in opportunities will be helped by teachers who understand the problems of the disadvantaged. Teachers will be able to understand the problems of the disadvantaged when they are trained in practicum-oriented curricula which affords opportunity to conceputualize and provide individualized instruction. Understanding, practicum-oriented teachers will be able to graduate and/or take postgraduate work in colleges or universities in which interdisciplinary curricula for teachers is focused upon improving the quality of education to the level of the pupils' needs, interests, and potential abilities. The central administration of the colleges and universities will become involved in and committed to improving the quality of education and will make available, deploy, and optimally utilize internal and external resources. If internal and external resources are inadequate, the chief administrator will effectively inform public and private funding agencies of their responsibilities to support and sustain educational programs at the levels of the needs of the disadvantaged.

These problems are extremely complex and are affected by a multitude of variables. If these problems had been resolved, the educational system would be providing adequate education for all. The adhesion of the educational system to the status quo will be modified only by strategies for change hitherto unidentified and unexplored. We cannot guarantee that a program will effectively improve education. A program might become effective where a succession of projects would ordinarily become temporary, piecemeal ends in themselves. Education for the disadvantaged has not been improved to the levels of need by a broadly funded era of categorical projects.

8. *Should and does the jurisdiction of the schools, the colleges, and the universities and their chief administrators include significant and unique responsibilities for the dynamic force, the level of excellence, and the degree of effectiveness of operational, ongoing educational programs?*

In theory, these responsibilities should be exclusively integral to the jurisdiction of educational institutions and their chief administrators whose highest priority functions are instructional services at the operational level. In practice, public and private funding agencies append these responsibilities to their own jurisdictions even though instructional services at the operational level should not be authorized to function within their purview. If the chief administrators agree that operational instructional services should be externally supported to continue to function under the jurisdiction of the schools, the colleges, and the universities, the chief administrators are probably the only educational leaders who can cooperate productively in bringing effective practice up to the level of sound theory.

Agreement among chief administrators to cooperate in correcting these jurisdictional and operational malfunctions may be facilitated by raising and discussing the following subordinate questions:

(1) Can leadership other than that exerted by the chief administrators of education at the operational level effectively nullify the regression tendencies of programs to become ad hoc projects and effectively initiate and sustain dynamic, ongoing programs?

All leaders are privileged within their jurisdictions to generate purpose, challenge, productivity, and satisfaction among their co-workers. The spheres of influence of all leaders includes giving direction to formulating effective plans, to recruiting, selecting, and developing competent personnel, to providing essential environmental and operational resources, to installing confidence, enthusiasm, and expectancy, to offering essential guidance and counsel, to sustaining productive oversight over activities, to eliciting acceptance of exemplary management, and to insuring an equitable system and scale of tangible and intangible rewards.

Only those leaders who are directly and operationally responsible to prevent highest priority educational programs from becoming peripheral ad hoc projects can take effective preventive action. Likewise, only those leaders who are interactively intergrated into dynamic ongoing educational programs at the operational level can take effective action in initiating and sustaining the improvement of instructional services.

The term *dynamic* implies that highest priority operational programs seem to develop regenerative gradients which sustain and amplify momentum. These gradients seem also to give uniform direction and continuity to effective program implementation and to optimal resources coordination.

Educational leaders at the operational level have a system of functional priorities which comes under their jurisdiction. There is a consensus that initiating and sustaining dynamic educational programs at the operational level as the exclusive, primary responsibility of the schools, the colleges, the universities, and their chief administrators is in the public interest. The significance and uniqueness of this responsibility will receive further emphasis in the remaining subquestions and discussions.

(2) Why do the chief administrators of instructional services at the operational level play significant and unique roles in initiating and sustaining the dynamic force, the level of excellence, and the degree of effectiveness of ongoing educational programs?

The consenus is widely accepted that it is within the jurisdiction of educational leaders at the operational level—the chief administrators of the schools, the colleges, and the universities—to initiate and sustain dynamic, ongoing educational programs. There is also a widely followed practice among public and private funding agencies which are not responsible for education at the operational level to assume jurisdiction over initiating and sustaining innovative instructional services. Attention should be given to a study of the success and failure record of these excursions into educational operations by public and private agencies. If instructional services at the operational level should not be included in the responsibilities of the public and private funding agencies, these excursions are not in the public interest.

If Federal and state branches of the government or the private granting agencies were to assume primary responsibility for the whole of planning, developing, and implementing instructional services at the operational level in addition to providing financial assistance, a centralization of external authority over local education operations would be established. This would be unacceptable and improper in our system of harmonizing authority and responsibility in the governance of education at the local level. Since private foundations are exempted from taxes to allow them to provide financial assistance through grants which are in the public interest, it is equally improper, and it should be equally unacceptable, for the private funding sector to assume jurisdictions and responsibilities which disestablish local, public authority over and responsibility for education at the operational level.

Operational authority over local education in the schools, the colleges, and the universities should not be vested in Federal and state branches of the government or in the private foundations. This statement is not based solely upon well-documented, substantiated, and conventional arguments against commingling external support with external control. There are other cogent reasons for external funding assistance without external control which need to be reviewed briefly.

Operational programs in education at the local level are not the authorized "reasons for being" of the Federal and state branches of the government or the private foundations. Public and private granting agencies have authorized reasons for existence other than primary responsibility to conduct educational programs at the operational level. The public and private funding agencies should confine their operational functions to their own significant and unique areas of responsibility. The functional bases for the existence of local school systems, colleges, and universities should not be pre-empted by centralizing responsibility for operations in external agencies whose attempts to provide instructional services at the operational level have developed a predictable pattern of malfunctions.

Initiating and sustaining dynamic educational programs at the operational level is the primary responsibility of only one institutional group—the schools, the colleges, and the universities—and of only one leadership group—the chief administrators of the schools, the colleges, and the universities. Initiating and sustaining the dynamic force, the level of excellence, and the degree of effectiveness of instructional services in education is the significant and unique role of the leaders in education at the operational level.

(3) Are there typical and predictable response patterns when opportunities to become involved in educational improvement are considered by the public and private funding sectors, the schools, the colleges, the universities, and their chief administrators upon the basis of a limited awareness of the significance and uniqueness of their jurisdictions of responsibility to education?

There are at least five areas of need whch stimulate and motivate response on the part of all who are concerned about improving education. These areas are as follows:

(1) The quality of education needs to be improved.

(2) The schools, the colleges, and the universities need instructional services which can remedy and prevent the disadvantages which are imposed by inadequate education upon pupils, students, and society.

(3) There is a need for financial support and assistance to education which can sustain improved instructional services at the local level.

(4) There is a need for procedural plans in which financial support and assistance to education can be sequentially programmed to generate optimal effectiveness in instructional services.

(5) There is a need for organizational structure to insure that financial support and assistance to education will operate in the public interest and will keep authority and responsibility in reciprocal balance within acceptable and authorized parameters.

Very few, if any, of those who are genuinely concerned about improving education have unlimited awareness of their jurisdiction of responsibility. Many who are motivated to action respond with deep interest and full commitment even though areas of jurisdiction and procedural strategies may or may not be considered. A noncategorized running account of typical responses may indicate patterns of action which are predictable. An assessment of typical responses may indicate some of the critical relationships of jurisdictions of responsibility and procedural strategies for improving education.

Leaders in the private funding agencies are motivated to act on behalf of improving education when they formulate their charters, when they establish operational and implementation procedures, when they explore areas of need, when they review proposals and applications for assistance, when they make grants, when they review progress reports, when they prepare annual reports, and when they evaluate the effectiveness of prior programs in mapping out future activities.

Members of the legislative branches of the government are motivated to act on behalf of improving education when testimony is given before their committees in support of authorizing funds, when their committees weigh proposed bills in closed sessions, when upper and lower legislative branches resolve differences, when appropriations are considered and approved, and when ways and means in raising revenues are reconciled with appropriations of funds. Members of the executive branches of the government are motivated to act on behalf of improving education when legislative bills are signed into law, when executive departments structure implementation plans, and when regional and state executive agencies and organizations plan intermediate implementation and funding services. Leaders in the schools, the colleges, the universities, and their governing boards are motivated to act on behalf of improving education when systematic assessments are made, when local education agencies explore participation in funding programs, when college and university chief administrators consider policy recommendations, when educational governing boards approve policy recommendations, and when higher education faculty and local education agency administrators prepare and implement proposals.

Dynamic and innovative force does not remain intact as a program moves or is transmitted from the authorizing and appropriating grantor through funds disbursement channels to the program implementing grantee. Programs tend to become ad hoc projects as they move from original conceptualization to the drawing board and on to task completion. While program involvement may stimulate interaction at each point in the process from innovative participation to final reporting, the dynamics of a program seem to diminish by half at each point or step in operational implementation where jurisdictions of responsibility change or shift from one agency to another.

The tendency of dynamic programs to regress into ad hoc projects is also in evidence at all points in the funding process where programs have only peripheral status in overall operations. Improvement programs which have only peripheral status in colleges and universities and in local education systems eventually diminish into projects.

Project-oriented public and private granting agencies implement funding authorizations by inviting operational agencies to submit proposals for assistance. When proposals are approved and project funds are received, they are frequently deployed into supporting supplementary activities which contribute very little to highest priority operational goals. Ordinarily, highest priority operatonal goals lack innovative appeal to project-oriented granting agencies.

Project-oriented granting agencies become frustrated and discouraged when they realize that their project grants are consistently unproductive of meaningful and significant results. It is at this point that the granting agencies are motivated either to engage in instructional services at the operational level or to fund proprietary organizations which are not responsible to the voting public to enable them to undertake instructional services. It would be within the jurisdiction of their responsibilities if they would extend support for highest priority operational programs to the institutions which are responsible to the voting public for education at the operational level—the schools, the colleges, and universities.

Program-oriented schools, colleges, and universities write proposals in all available funding areas except those which are accompanied by the dangers of controversy. These proposals are sent up through channels to the granting agency. There is a fairly reliable rule on percentages of acceptances so it behooves the grantee to send up as many proposals as can be written. The approved proposals bring the grants all the way back through channels. Such dynamic as a proposed program may have had at the beginning is significantly diluted at every point where jurisdiction over program responsibility changes.

These conditions cast educational improvement programs into limbo and encourage politicized controversy over external funding policies and practices. These conditions suggest the need for an increase in awareness of the significance and uniqueness of the jurisdiction of responsibility for educational operation which resides in the schools, the colleges, the universities and their administrators and the need for the administrators to assert and effectively implement this jurisdiction on behalf of the institutions they serve. This suggested procedure will be meaningless unless the chief administrators follow through in providing objective oversight to the implementation of the programs over which they have jurisdiction and responsibility.

(4) Is the improvement of education facilitated at potential and optimal levels when responses to opportunities to become involved in educational improvement are made by the public and private funding sectors, the schools, the colleges, the universities, and their chief administrators upon the basis of a dynamic conceptualization of and commitment to their jurisdictions of responsibility to education?

If programs are carried on within jurisdictions of responsibility which are in the public interest and have high priority commitment by chief administrators at the operational level, dynamic direction and continuity will survive until objectives are achieved. If programs can be conceptualized, supported, and implemented at operational levels in which the schools, the colleges, the universities, and their chief administrators can directly and actively participate, the regression processes by which peripheral commitment to education and/or extra jurisdictional excursions into instructional services downgrade progams into ad hoc projects can be nullified. Only in operational jurisdictions where responsibility is authorized, established, and justified can cooperative encounter be concentrated without dilution upon mobilizing and deploying resources into programs which are integral to improving education.

Prevailing conditions in all sectors seem to indicate that cooperative and innovative encounter with the basic issues has been significantly understressed in current efforts to provide education. A brief recapitulation of prevailing conditions indicates the following:

(1) Public assistance for instructional services continues to operate predominantly on a categorical project basis in which renowned institutions, as front-runners and invincible competitors in the scramble for external funds, provide supplementary and compensatory assistance in perpetuating instructional services which are basically oriented to students in age, or class, or ability groups while emphasis upon individualized instruction is ordinarily inconsequential. Some significant support is provided for programs at the operational level but excursions into operational instructional services seem to be increasing.

(2) Private assistance for instructional services continues to operate with the grantor, rather than the grantee, indirectly retaining jurisdiction and authority over instructional services at the operational level. Education at the operational level is responsible for the status of education and must have authority commensurate to responsibility if education is to be improved.

(3) Typical patterns of present day education at the operational level need to be improved if the needs of the disadvantaged are to be met. In the main, education today still relies almost wholly upon the printed page. Curriculum development consists almost entirely of textbook selection. Teachers are seldom more than masters of ceremony over the reading and reciting of what is printed in books. Optimal perceptual development is seldom achieved in individual and group habits, skills, knowledges, understandings, attitudes, and value systems essential to individual and group survival. Conventional wisdom is usually achieved. Conventional wisdom consists predominantly of public domain generalities, assumptions, guesses, biases, suppositions, and errors. Individual students or groups only rarely enlarge their apperceptive mass if behavior modification is an evidence of learning.

Obsolete curricula is still discarded with self-serving reluctance. Resistance to change continues to be widespread. The citadel of the status quo still seems to be impregnable.

It must be agreed that only rarely has adequate education been available for either the under average or the gifted. Conventional educational activities are concentrated upon enormously complex and increasingly costly instructional services for average students whose potential achievement is neither provided for nor expected. The prevailing conditions could bring about a totally hopeless and pessimistic outlook on whether or not traditional concepts of education can be changed.

Without interactive and cooperative encounter, it will be difficult, if not impossible, to improve education to the level of the needs of the disadvantaged. Interactive and cooperative encounter can generate a progressive amplification of the dynamic action and developmental continuity which instructional service must have to achieve and sustain improvement. Internal involvement in operations can be sustained. Internal resources can be redeployed and supplementary external resources can be secured and utilized. Dynamic programs can be prevented from regressing into ad hoc project involvement. Program conceptualization and commitment can become dynamic realities and forces when chief administrators of local, cooperating educational institutions take affirmative and united action on exploring operational program affiliation. If chief administrators agree that education should be improved, they are the only leaders who can implement improvement.

9. *What motivational forces and processes of inquiry stimulate chief administrators to understand the nature and consequences of educational achievement below potential levels, to survey and evaluate existing provisions and resources for improving education to the level of the needs of the disadvantaged, to conceptualize innovative strategies for remedying and preventing the disadvantages of inadequate education, and to implement and coordinate cooperative and productive involvement and participation in functional and effective instructional services?*

Specific motivational forces and processes of inquiry have stimulated the planning and development staff in their evolving conceptualization of the Cooperative Improvement Program. These processes have consisted of reflective inquiry into the problems of the disadvantaged and upon planning and developing strategies to solve these problems. The processes of reflective inquiry concerning the disadvantaged motivate and stimulate an understanding of the nature and consequences of educational achievement below potential levels because solutions to many of the problems of inadequate education have been elusive, because making choices among hypothetical solutions require decisions, and because primary problems are compounded by multiple and varied subsystems which produce a chain reaction of choices and decisions within each problem area.

Each chief administrator needs direct rather than vicarious experience with reflective inquiry into the impact of inadequate education upon pupils and students. A theoretical explanation of the processes of motivation which stimulate reflective problem solving might be of less value to chief administrators than exposure to the specific questions which have influenced the planning and development staff during their conceptualization of the Cooperative Improvement Program. A thoughtful consideration of these questions as they evolve may provide motivation similar to that which the planning and development staff has experienced.

Conceptualizing the improvement of education should follow the orderly processes of reflective problem solving. The primary components of this process as followed in conceptualizing the Cooperative Improvement Program are indicated below. The subsystem questions of each component are presented in the sequential order in which reflective inquiry evolved. All of the questions are related directly or indirectly to the chief administrators who are requested to study this information input overview to aid them in their decisions on exploring affiliation with the Cooperative Improvement Program.

Component One. Developing an awareness of the nature and consequences of educational achievement below potential levels.

(1) Who are the educationally disadvantaged?

(2) What percentage on a nationwide basis of all precollege pupils—the underaverage, the average, and the gifted—achieve less than adequate education?

(3) How do percentages of disadvantaged precollege pupils vary by regions, by urban areas, and by ethnic groups throughout the nation?

(4) What percentage of the precollege pupils are disadvantaged in the area you serve as a chief administrator?

(5) What is the overt dropout rate in the elementary and secondary schools in your area?

(6) What is the covert dropout rate in the elementary and secondary schools in your area?

(7) To what extent—nationally, regionally, in your state, in your area, by ethnic group in all areas—are the students enrolled in colleges and universities achieving inadequate education?

(8) What are the overt and covert dropout rates in the colleges and universities—in your area, generally, and by ethnic groups?

(9) Is there a significant difference in the overt dropout rate for freshmen, sophomores, juniors, seniors, and graduate students?

(10) In what academic areas are remedial courses most often needed by college and university freshmen in your area?

(11) Is adequate education available for gifted pupils and students?

(12) Is adequate education available for educable underaverage pupils and students?

(13) Do all students need optimal cognitional development, emotional maturity, performance skills, and volitional stability?

(14) Are there significant differences, disparities, and inequalities in educational opportunity in our educational system?

(15) Do disadvantaged pupils and students develop discrete breaches, gaps, and discontinuities in their acquisition of habits, skills, knowledges, understandings, attitudes, and value systems?

(16) Do disadvantaged pupils and students need problem diagnosis and individualized instruction to remedy and prevent inadequate education?

(17) Do teachers and their supervisors need preservice and postgraduate practicum experience which will enable them to sustain interest in solving the problems of the disadvantaged through improved instruction?

(18) Did the golden age of project funding in the 60's enable the colleges and the universities to provide instructional services at the level of the needs of administrators, supervisors, and teachers whose jurisdictions of responsibility include the disadvantaged?

(19) To what extent are the interdisciplinary components of the entire academic community in the colleges and universities, along with teacher education, involved in providing comprehensive and effective instructional services at all levels of public need and expectancy in the elementary and secondary schools?

(20) If, for reasons of expediency, the public continues to approve certification standards which allow administrators, supervisors, and teachers with inadequate interdisciplinary education and limited practicum experience to occupy positions in elementary and secondary schools, are we providing our schools with disadvantaged administrators, supervisors, and teachers?

(21) Have the administrators and faculty members in the colleges and universities in disciplines other than teacher education received professional training and practicum experience which meet the public standards set for high school administrators and teachers?

(22) If, for traditional reasons, advanced degrees in academic disciplines are accepted in higher education as prima facie evidence of administrative and instructional competence even though adequate professional training and practicum experience related to learners, learning theories, and administrative and instructional practices are lacking, are we providing our colleges and universities with disadvantaged administrators and faculty members?

(23) Do the disadvantages, the malfunctions, and the obsolescence of inadequate instructional services impose anxiety and unrest upon the public from which the schools, the colleges, and the universities need endorsement and support?

(24) How can the schools, the colleges, the universities, and their chief administrators convert the liabilities of public unrest over contemporary educational inadequacies into assets in implementing productive working relations with Federal, state, and private agencies which provide both regular budget and supplementary funds?

(25) Could public unrest be accepted as evidence of public concern over inadequate education and could concern be channeled into stimulating public involvement in cooperative improvement efforts in areas in which meaningful public support is needed?

(26) Could meaningful expressions of public concern over the disadvantages of inadequate education sensitize the granting agencies to commit resources to the schools, the colleges, and the universities to support their reflective inquiries into and their cooperative explorations of needed improvements in instructional services?

(27) Is it within the jurisdiction of the chief administrators' responsibilities to participate in and facilitate expressions of public concern over inadequate education which sensitize the granting agencies to support the reorganization of instructional services delivery systems to the level of the needs of the pupils, the students, the teachers, the faculty members, and the administrators?

(28) Do the private funding agencies need to respond to the sociocultural problems of the disadvantaged by providing support to the schools, the colleges, and the universities in implementing sociocultural instruction improvement efforts which are in the public interest?

(29) Do the public funding agencies need to respond to the civil and economic problems of the disadvantaged by providing support to the schools, the colleges, and the universities in implementing civic and economic instruction improvement programs which are in the public interest?

(30) Can our system of representative government survive without educating the electorate to the optimal level of potential?

(31) Has our system of representative government reached and passed beyond the point of diminishing returns in relying upon independent and separate action to sustain the quality of education to the level of public and private need?

(32) Do the national, regional, state, and local education organizations and agencies need to invest their vast resources in high priority efforts to correct the malfunctions of the educational system as it relates to the disadvantaged?

(33) Does a cooperative improvement program need to be coordinated and effectively implemented?

(34) Can effective and cooperative improvement be initiated without significant support from the private funding sector?

(35) Can Effective and cooperative improvement be sustained without significant support from the public funding sector?

(36) Can external funding assistance and cooperative efforts in exemplary improvement programs bring ineffective instructional services up to the levels of public and private needs and expectancies, thus counteracting the seemingly inexorable erosion of present day public support of all education?

Component Two. Surveying and evaluating existing provisions and resources for improving education to the level of the needs of the disadvantaged?

(1) To what extent has public unrest over the disadvantages of inadequate education stimulated the granting agencies to provide financial assistance for improvement programs to the schools, the colleges, and the universities which are responsive to the needs of the disadvantaged?

(2) Are the funding assistance policies of the legislative and executive branches of the Federal government compatible with supporting the improvement of instructional services in programs which are integral to the jurisdictional responsibilities of the schools, the colleges, and the universities?

(3) With more than 100 currently authorized and funded provisions for federal assistance, of which at least 49 are available for the improvement of instructional services, to what extent are the schools, the colleges, and the universities which are responsive to the needs of the disadvantaged aware or unaware of the continuing availability of these assistance provisions?

(4) Are some public granting agencies authorized to augment external support by providing funds which match awards from other supporting agencies?

(5) Are the funding assistance policies of the private foundations compatible with supporting the improvement of instructional services in programs which are integral to the jurisdictional responsibilities of the schools, the colleges, and the universities?

(6) With U.S. philanthropy reaching $21.15 billion in 1971; with 15.6% or $3.3 billion of this going to education, with the largest grantor giving 7.4% or $243 million of this $3.3 billion, with the next 49 largest grantors giving 14% or $467 million of this $3.3 billion, and with the several thousand remaining foundations giving 78% or $2.6 billion of this $3.3 billion, to what extent are the schools, the colleges, and the universities which are responsive to the needs of the disadvantaged aware or unaware of the continuing availability of private foundation assistance?

(7) Are some private foundations more responsive to appeals for matching funds than to appeals for outright grants?

(8) Are some private foundations reluctant to support innovative programs unless grantee schools, colleges, and universities are able and willing to invest at least a token of their own internal resources in initial seed funding?

(9) Can the fiscal resources for improving education make a national or even a regional impact upon instructional services unless the chief administrators of the schools, colleges, and universities cooperate in implementing improvement programs and in winning support from public and private funding agencies?

(10) Are the resources of the chief administrators sufficient to plan and implement the policy changes which will be required in implementing the improvement of instructional services?

(11) With A+ as the rating for above average, with A for average, and with A— for below average, how do you rate the following administrative activities in characterizing your predominant administrative jurisdictions of responsibility:

nonintervention ----------
arbitration ---------------
negotiation ---------------
decision making-----------
organizing ---------------
fund raising--------------
organizational supervision--
operational maintenance ---------
planning ----------------------
communicating ------------------
coordinating -------------------
influencing --------------------
evaluating ---------------------
reflective problem solving---------

(12) Do chief administrators have access to overhead recovery reimbursements which can be applied as seed funding in implementing proposals for public and private assistance in improving instructional services?

(13) Do chief administrators have jurisdiction over internal budget funds which can be used on a matching basis in securing external assistance from public and private sources for the improvement of instructional services?

(14) In what ways are area administrators and teachers involved in externally or internally funded efforts to improve instructional services for disadvantaged students in elementary and secondary schools?

(15) To what extent are available information resources on exemplary improvement programs made accessible to administrators and teachers whose responsiveness to the needs of the disadvantaged could result in the preparation of effective program proposals for external assistance in meeting the instructional needs of the disadvantaged?

(16) To what extent are the available information resources on public and private assistance made accessible to administrative, instructional, and research personnel whose involvement is essential to improvement program implementation?

(17) Do the schools, the colleges, and the universities make provisions for staff development programs which are centered upon self-study and upon reflective problem solving?

(18) To what extent are instructional and supervisory personnel given released time, relief assistance, and travel reimbursement to enable them to visit and observe areas of need and exemplary programs which are effective in meeting the needs of the disadvantaged?

(19) To what extent are presently ongoing programs and projects manned by outstanding, tenured faculty personnel?

(20) To what extent does the administrative, the supervisory, and the instructional service reward system include recognition for participation in externally funded programs and projects and internally funded off-campus assignments?

(21) What significant or promising research on the disadvantaged, on their educational needs, and on improving instructional services has been completed or is underway under the aegis of the schools, the colleges, and the universities?

(22) Do the schools, the colleges, and the universities have the personnel resources to engage in needed research if available external funds can be secured through cooperative solicitation?

(23) Do the schools, the colleges, and the universities have competencies which meet the unique requirements of public and private funding agencies whose interests, commitments, and resources are directed into selective areas of educational and instructional problems?

(24) Has an internal staff survey been made to sample the responses of instructional personnel to the many varieties of support which public and private granting agencies offer?

(25) In what ways are the colleges and universities involved in improving education for disadvantaged college students?

(26) Do remedial courses as offered meet the instructional service needs of disadvantaged college students?

(27) What information input resources are available from follow-up studies which assessed preservice teacher training programs in terms of their capability and performance in meeting the needs of the disadvantaged?

(28) What provisions are offered by the colleges and universities for the postgraduate inservice training of elementary and secondary teachers and their supervisors who are responsive to the needs of the disadvantaged?

(29) What provisions are offered by local area elementary and secondary schools for inservice training for teachers and their supervisors who are responsive to the needs of the disadvantaged?

(30) To what extent are the resources of the schools, the colleges, and the universities undercommitted to improving education for the disadvantaged?

(31) To what extent has a cross section of the local education community been brought into cooperative participation in improving instructional services?

(32) Is there sufficient responsiveness to the needs of the disadvantaged to warrant conceptualizing strategies to explore the improvement of instructional services?

Component Three. Conceptualizing innovative strategies for remedying and preventing the disadvantages of inadequate education.

(1) Is the actual and real improvement of education contingent upon discovering and employing innovative strategies for changing entrenched and persisting concepts about individuals as learners, about learning as a process, and about teaching as imparting knowledge?

(2) To what extent are high school graduates generally conditioned to base their concepts about teaching upon the instructional practices of teachers which they observed in elementary and secondary school?

(3) To what extent are college graduates generally conditioned to base their views on college teaching upon the classroom and laboratory practices which they observed in their teachers while in college?

(4) Can these general views of high school and college graduates be justified because precollege education allows 12 years or 2160 days for observing classroom instructional practices and college education allows 4 years or 720 days for additional observation of conventional classroom procedures?

(5) Could one expect to conceptualize medicine as a discipline and qualify for a license in the practice of medicine from observations of one's own physician in his diagnosis and treatment of one's own illnesses?

(6) While observing one's own teachers for 12 to 16 years or 2160 to 2880 days is not recognized as a criterion for teacher certification, may these observations have more to do with determining educational practice and instructional customs than preservice and graduate courses in education and certification requirements per se?

(7) Do these 12 to 16 years of observation produce a conditioned conceptualization of the fundamentals of teaching, of what learning is considered to be, and of what teachers are supposed to be doing in the classroom?

(8) Do these conditioned conceptualizations tend to perpetuate established and traditional practices of instruction, supervision, and administration?

(9) Are established instructional practices so deeply entrenched in the conceptualization processes that new teachers, supervisors, and administrators revert to previously observed instructional practices as they are initiated and inducted into the established educational system?

(10) Is acceptance into teaching positions, probationary years of service, and advancement to tenured status regulated and influenced by conditioning in perpetuating established practices?

(11) Has there ever been a time in the history of American education when a new generation of educators introduced innovative classroom practices to the same extent that they imitated, replicated, and perpetuated established practices?

(12) Will contemporary and established practices always be dominant in determining the present and future of education?

(13) Can the functional effectiveness and ineffectiveness of established classroom customs be measured?

(14) Is the adequacy or the inadequacy of learning outcomes significantly dependent upon established classroom practice?

(15) Are the productive and counterproductive modifications of individual and group behavior in our complex social system the real outcomes of instructional practice as it functions today?

(16) Does there seem to be a linkage between the educators' predominant reliance upon established classroom customs and the learning outcomes of below average, average, and gifted pupils?

(17) Do the learning outcomes of the disadvantaged tend to show that many of today's teachers, supervisors, and administrators have not been significantly influenced by educational preparation other than that which is based upon the customs and practices of the long-established system?

(18) Is there evidence that any generation of educable youth in the history of our nation has ever had access to adequate education at optimal and potential levels of individually varying and differing needs and abilities rather than conventional and established classroom practice?

(19) Would vocational pursuits be benefitted by adequate education at potential levels through the intangible rewards of improving the quality of living in addition to the tangible benefits of optimal vocational advancement?

(20) Has the present pupil population become so inured to inadequate education, so impaired by disparities in opportunities, and so disadvantaged by deficiencies in knowledge, maturation, skills, and commitments that a systemwide improvement program could be accomplished only on a crash basis?

(21) Would a crash program on improving instruction to the level of the needs of the disadvantaged entail more changes in traditional educational practice than the established system could tolerate?

(22) If teachers, supervisors, and administrators are deficient in their commitments to discovering and employing innovative strategies in improving education for the disadvantaged, can conventional inservice training nullify these deficiencies?

(23) Could the human resources required in a systemwide improvement program be recruited from a student and teacher population which is demonstrably and predominantly conditioned to perpetuating established classroom customs?

(24) Are inadequate and established classroom practices so entrenched that real improvement is contingent upon exploring innovative techniques to dis-

establish conventional classroom customs and to generate a reservoir of human resources for future teachers who are not conditioned to perpetuate ineffective instructional practice?

(25) Is there evidence that any generation of teachers, supervisors, and administrators in the history of education has ever had access to preservice and inservice practicum experience in functionally improving education for the below average, the average, and the gifted pupils who receive an inadequate education?

(26) Is it probable that profit making organizations which are becoming established in providing tax-supported educational services will significantly change the ongoing programs in the schools, the colleges, and the universities?

(27) Is it probable that unilateral efforts on the part of any single school will bring needed changes to the entire system of ongoing education?

(28) Is there even a remote possibility that a cooperative improvement program might nullify the disadvantages of inadequate education for pupils, teachers, supervisors, and administrators in educational practice today and in an improvement demonstration capable of infusing new and innovative customs into the established educational system?

(29) Can we conceptualize a practicum program which can demonstrate improvement to the degree that today's teachers can help today's disadvantaged generation and tomorrow's generation of teachers will be able to replicate an effective program because they will have seen it in operation during their 12 to 16 years of observing innovative classroom practice as it becomes the new and established system?

(30) What roles can Local, State, and National Committees on Planning and Development play in formulating strategies for the organization and administration of a massive, cooperative demonstration on improving education?

(31) Will a program which reaches into at least 26 states, which receives the cooperative assistance of at least 25 predominantly white and at least 40 predominantly black colleges and universities, which provides practicum training for 20,000 teacher trainees, 100,000 teacher tutors, and 100,000 volunteer teacher aides, which provides individualized instruction for 500,000 disadvantaged elementary and secondary pupils, which is supported by at least 65 college and university chief administrators and their program proxies, which relies upon at least 780 faculty members in 260 Faculty Task Forces for academic resources input, which relies upon a network of Local Councils and the National Council on Educating the Disadvantaged for nonacademic resources input, and which relies upon the private and funding agencies to support program planning, development, and implementation at projected costs of at least $93 million be of sufficient magnitude, if successful, to infuse innovative practices into both contemporary and ongoing instructional services at precollege, college, and university levels?

(32) If projections on differences in earning power of high school and college graduates and nongraduates are valid, if the education of graduates is inadequate and below potential levels, and if educational achievement can be quantitatively raised to or near potential levels, would increases or improvements in educational adequacy result in tangible increases in earning power to the extent that increased recovery through income taxation would more than offset the costs of improvement programs?

(33) Can Task Force Learning Centers be established by the Local Councils to house and service a practicum program for trainees, tutors, aides, and disadvantaged pupils?

(34) Can the Local Councils, consisting of the key educational leaders in a section of a city, in a whole city or town, or in one or several adjoining counties become nonprofit corporations which can negotiate for public and private grants with which to support the Cooperative Improvement Program as it is carried on in the Task Force Learning Centers?

(35) Can the Local Councils negotiate with and compensate the cooperating colleges and universities for academic services to the Program in the Task Force Learning Centers?

(36) Can the Faculty Task Forces provide leadership in developing academic services to be carried on in the Task Force Learning Centers?

(37) Can the Local Councils negotiate with and compensate the National Council on Educating the Disadvantaged for nonacademic services for the Program at the funding agencies and in he Task Force Learning Centers?

(38) Will the concentration in the Local Councils of fiscal administration and services for the Task Force Learning Centers stabilize the thrust of the Program in its commitment to improve education?

(39) Can the State and Local Committees on Planning and Development initiate local leadership participation in and local financial support for the Program?

(40) Can a National Council in which the chief administrators of the cooperating colleges and universities are active members become an effective voice in pleading the case for improving education?

(41) Can the chief administrators appoint a Program Proxy to coordinate the work of the Faculty Task Forces at their campuses and to attend the meetings of the National Council with the chief administrator when he attends and for him when he is unable to attend?

(42) Can the chief administrators work with the National Council in developing, implementing, and externally funding a leadership training program for Faculty Task Force personnel in each cooperating school?

(43) Should the Faculty Task Forces be made up exclusively of faculty members from the Colleges and Departments of Education or should the Task Forces include a cross section of the faculty on an interdisciplinary basis of appointment?

(44) Should the chief administrator's Program Proxy, who also serves as Faculty Task Force Coordinator, be appointed by the chief administrator on recommendation of the chief officer for academic affairs?

(45) Should the chief officer for academic affairs appoint a Deans Interdisciplinary Advisory Committee to counsel with the Program Proxy Coordinator?

(46) Has reflective inquiry generated conceptualizations of refinements in the Cooperative Improvement Program and of proposals for supplementary services in addition to the Cooperative Improvement Program?

(47) Have these sequences of questions stimulated reflective inquiry to the point that a program rather than an *ad hoc* project is being conceptualized?

(48) Can each cooperating chief administrator work with the National Council, its Board, and the Board Staff in requesting improvement program development funds from external sources at the level of a minimum of $80,000 for each participating college and university per year over a five-year demonstration effort?

Component Four. Implementing and coordinating cooperative and productive involvement and participation in the improvement of functional and effective instructional services.

(1) Do local tax structure provisions which result in disparities in instructional services in affluent and deprived school districts indicate that strategies to implement educational improvement need to be explored?

(2) Does supplementary funding assistance from the state to both the affluent and the deprived school districts make it unnecessary to implement improvement programs?

(3) Do the compensatory funds made available from the Federal government enable the deprived districts to provide as much educational services as the affluent school districts regularly provide?

(4) Have the deprived districts accumulated significant disparities during the past 25 years in the amount of educational services which they are able to provide?

(5) Have we achieved a national consensus that it is in the public interest to make amend for the cumulative deprivations which our system of raising revenues for education has imposed upon economically blighted school districts?

(6) Is making amends for the cumulative deprivations and disparities of our sociocultural and educational system a primary objective of conventional federally supported compensatory programs and projects?

(7) Is our consensus on making amends rooted in equalizing educational opportunity by providing funds to bring the quantity of educational services of deprived districts up to the quantity level of the affluent districts rather than in improving the quality of education for the deprived?

(8) Is the amount of educational provide by the affluent school districts of sufficient quality to enable the under average, the average, and the gifted pupils in the affluent schools to achieve optimal learning at the level of their potential?

(9) If compensatory funds could equalize educational provisions in the deprived school districts at the quantity levels found in the affluent schools, would this raise the quality of educational services in the deprived schools to the levels of needs?

(10) Is the education community basically disregarding the importance of improving the quality of education by a conditioned adherence to an unrealistic

obsession with making compensatory amends, by a reflexive and illogical preoccupation with equalizing only the educational delivery system, and by an habitual and unwitting allegiance to perpetuating established instructional practices?

(11) Should implementation begin with assisting the educational community to conceptualize an improvement effort which goes significantly beyond conventional compensatory theory and practice?

(12) Should we implement assistance in generating a consensus upon improving the quality, relevance, and effectiveness of instructional services for both the affluent and the deprived at the levels of their needs and potentials?

(13) Should we implement assistance to the public granting agencies in preventing the infusion of conventional compensatory theory into their development of educational renewal and renovation programs and projects?

(14) Is there an effective way to implement a program of educational renewal and renovation which is rooted in improving the quality of education rather than in quantitatively equalizing the delivery system?

(15) If we are to implement strategies for change, must we achieve such commitment to the functional improvement of instructional services that effective renewal and renovation programs will be generated?

(16) Can effective renewal and renovation be generated if we do no more than make amends for quantitative deficiencies, equalize educational delivery systems, and replicate established instructional customs?

(17) Can renewal and renovation programs be safeguarded against culminating in ad hoc compensatory projects if the colleges, the universities, the schools, and the granting agencies give no more than conventional support to implementation?

(18) Can renewal and renovation programs survive unless chief administrators find ways to support the development of strategies which can generate commitment to improvement program implementation and nullify conditioned reliance upon project funding?

(19) If the Cooperative Improvement Program is conceptualized as only another compensatory project by the established teacher education leadership in the colleges and the universities, will the program gravitate into the established conventional orbit of making amends and maintaining the status quo?

(20) Do some educational institutions which cannot pay high salaries to teacher education leadership make amends by decentralizing administrative power to such an extent that interdisciplinary cooperation in improvement programs cannot be implemented?

(21) Can any administrative group, even the chief administrators, prevent opportunistic proposal writers from using innovative improvement conceptualizations as grist to be plagiarized and recycled through their own self-serving mills into project requests which disregard the needs of the disadvantaged?

(22) Is there a way to assist the established teacher education leadership in achieving commitment to raise the quality of instructional services for the disadvantaged among the affluent as well as among the deprived?

(23) Is improving education for the present generation of pupils basically dependent upon implementing the improvement of instructional competencies of the present generation of teachers and supervisors?

(24) Must we cast off the present generation of pupils while we tool up to improve education for the next generation?

(25) Can we tool up to improve the instructional competencies of the next generation of teachers and supervisors if we fail to improve the instructional effectiveness, attitudes, and value systems of the present generation of teachers and supervisors?

(26) If practicum training in individualized instruction could resolve some of the specific problems of the disadvantaged, should the exploration of practicum training be implemented?

(27) If improvements could be more productively demonstrated through cooperative endeavor, should we unite in implementing the Cooperative Improvement Program?

(28) Do the problems encountered in teaching the disadvantaged originate in the deficiencies in practicum experience in both preservice teacher education and in inservice training?

(29) Should the Cooperative Improvement Program be explored to determine if it can become an effective and exemplary resource in providing supplementary practicum training to help today's teachers remedy and prevent the dis-

advantages of inadequate education among today's generation of pupils in elementary and secondary schools, in colleges, and in universities?

(30) Does inadequate education cost as much and probably more in the long run than adequate education?

(31) Will teacher involvement in the Cooperative Improvement Program tend to improve the instructional compentence of college and university faculty members who are responsible for instructional services in teacher education?

(32) Could an innovative and nondirected conceptualization of the renovation of instructional services in terms of significant educational policy changes have been implemented under the restraints and rigors of a planning grant?

(33) In terms of this proposed program, have we implemented the conceptualization of the essential components of an improvement program?

(34) Have we implemented a conceptualization of the essential subsystems of each component?

(35) Have we organized an orderly sequence of operations for an effective pilot study on implementing improvement?

(36) Have we conceptualized the roles of the public and private funding agencies, the National and Local Councils, the Committees on Planning and Development, the local education agencies and the schools, the colleges and the universities, the chief administrators, and the Faculty Task Force leaders.

(37) Do we comprehend the organizational and administrative structure which an effective improvement program will require?

(38) Have we laid out plans for the program of services of the Councils, the universities, the colleges, and the local education agencies?

(39) Have we given consideration to the leadership recruitment and training program which implementation will require?

(40) Have we implemented plans to coordinate the information input and the proposal and report resources which will be required in the program?

(41) Have we made provisions in our cooperative planning for program initiation, induction, implementation, and assessment?

(42) Can this program be conceptualized, implemented, and coordinated for the chief administrators by any one other than the chief administrators?

(43) If the chief administrators think this program through for themselves and elect to participate in the National Council, will we reach a consensus on commitment of college and university resources and chief administrators' Proxy and Faculty Task Force leader action which will insure the improvement of education for the disadvantaged?

(44) Can the chief administrators provide seed funding for leadership training as token support to encourage public and private grants for the implementation of the Cooperative Improvement Program?

(45) Are the chief administrators ready to provide up to $3.750 during the next year to underwrite a token share of the costs of coordinating the efforts which will be required in securing implementation funds from external sources for each cooperating college and university?

(46) Are the chief administrators of the cooperating colleges and universities ready to appoint their Program Proxies and their Faculty Task Force leaders and to accept active membership on the National Council on Educating the Disadvantaged?

II. CENTRAL ISSUES OF CONCERN TO EDUCATIONAL LEADERS WHO ARE IN PROCESS OF ARRIVING AT A DECISION TO PARTICIPATE IN THE PROGRAM

A joint conference group of educators was invited to come to Washington, D.C., on June 19, 1972, to consider strategies on implementing and funding the Cooperative Improvement Program. Several educators planned to attend the conference but were prevented from doing so by the national airlines strike on June 19. The following educators who accepted the invitation were able to attend this joint conference:

COLLEGES AND UNIVERSITIES AND CONFERENCE REGISTRANTS

Arkansas A. M. and N. College, Lawrence A. Davis, President.
Bishop College, Walter Johnson for President M. K. Curry, Jr.
East Tennessee State University, D. P. Culp, President.
Eastern Illinois University, Harry J. Mergis for President Gilbert Fite.
Eastern Kentucky University, John D. Howlett for President Robert R. Martin.

Fairmont State College, Paul E. Edwards for President E. K. Feaster.

Frostburg State College, Nelson P. Guild, President.

George Washington University, Lloyd H. Elliott, President.

Georgia Southern College, Pope A. Duncan, President.

Illinois State University, Henry J. Mermanowicz for President David K. Berlo.

Indiana State University, Alan C. Rankin, President.

Mississippi Valley State College, William A. Butts for President Ernest A. Boykins.

Murray State University, Harry M. Sparks, President.

Ouachita Baptist University, Ben M. Elrod for President Daniel R. Grant.

Paul Quinn College, Stanley E. Rutland, President.

Southern Illinois University, Jacob O. Bach, Professor of Educational Administration.

Southern Illinois University, Ronald G. Hansen for President David R. Derge.

State University of New York, at Albany, Kenneth Frasure, Chairman, Dept. of Educational Administration.

Tennessee State University, Malcolm D. Williams for President Andrew P. Torrence.

Virginia Union University, Stephen McLean for President Allix B. James.

PUBLIC SCHOOL SYSTEMS

Arlington County Public Schools, Harold M. Wilson Associate Superintendent for Instruction.

Houston Independent School District, John E. Codwell Superintendent, Area IV.

EDUCATION AGENCIES

American Association of Colleges of Teacher Education, Edward C. Pomeroy, Executive Director.

American Association of School Administrators, Robert M. Isenberg, Associate Secretary.

Center for Educational Resources, Hellyn Beilott, Director.

Institute for Behavioral Research, Harold Cohen, Executive Director.

National Association of Secondary School Principals, J. Lloyd Trump, Associate Secretary.

National Council on Educating the Disadvantaged, Howard A. Dawson, Consultant.

National Council on Educating the Disadvantaged, James Herrick Hall, Resources Coordinator.

National Council on Educating the Disadvantaged, Delyte W. Morris, Executive Director.

U.S. HOUSE OF REPRESENTATIVES

Committee on Education and Labor, William F. Gaul, Associate General Council, and Hartwell D. Reed, Jr., General Council for the Hon. Carl D. Perkins, Chairman of the Committee.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Harry M. Gardner, Assistant Deputy, Bureau of Elementary and Secondary Education.

Dr. Howard A. Dawson and the writer conferred in July in Chicago, Illinois, with the Director of a research-oriented foundation about supporting the Cooperative Improvement Program. This foundation executive expressed willingness to meet with other executives, college and university chief administrators, and Council Staff to discuss the funding of research components of the Cooperative Improvement Program. This Director said his foundation examines programs in terms of two criteria: the qualifications of the personnel committed to the program and the substantive nature of the programs for which support is sought. It is probable that involvement in implementing the Cooperative Improvement Program will be explored and weighed in terms of the readiness and commitment priorities of its leadership and the substantive integrity and resources of the Program per se. The Council Board and Staff believe that the Cooperative Improvement Program can qualify on these criteria.

Since the Program function of the writer of this overview has been to coordinate resources for the Program, this summary of his experiences in program planning and development is relevant to decisions on participating in and supporting the Program. His first twenty years of study and work were spent in specialized areas of education. He was alerted to the need for improving teacher education when, at age 40, he enrolled in a preservice course in practice teaching. His full-time study of educational practice began during the period 1946-52 while he was associated with the George Washington University—originally as a graduate student, then as a member of the instructional staff and co-supervisor of student teaching and field studies. Beginning in the Fall of 1952 and continuing until January 1, 1972, his association with Southern Illinois University as a faculty member permitted him to coordinate resources for an organized improvement program in education. He accepted emeritus status at SIU on January 1, 1972, so that he could sustain participation in the Program until he reaches retirement age in April, 1974.

During productive years at SIU, University support enabled him to share in many stimulating activities such as:

Exploring the problems of the disadvantaged, i.e., the under average, the average, the over average, and the gifted who achieve below potential levels from elementary grades through junior college.

Observing and assessing contemporary preservice and inservice curricula and practice in teacher education.

Directing and reporting on studies bearing upon administering individualized instruction, improving instruction, curriculum reorganization, and research methodology.

Participating in field studies on improving education in public schools, colleges, and universities.

Exchanging information with professional education organizations, with Federal, state, and local public funding agencies, and with private foundations related to ongoing and developing improvement programs.

Conceptualizing a massive program designed to deal functionally with the impact of conventional instructional practice upon breaches and gaps in learning achievement, with disparities and inequalities in psycho-socio-cultural environments and resources of pupils, with improvements in preservice and inservice teacher preparation, and with strategies for changes in resources development and coordination essential to the improvement of education.

Concern at Southern Illinois University for the improvement of education for the disadvantaged culminated in a team effort, greatly assisted by Tennessee State University and other schools, beginning in 1965. The momentum of team efforts was given significant impetus when Delyte W. Morris, as President of Southern Illinois University, endorsed the Cooperative Improvement Program in 1970 and became an active supporter of Program implementation. With his assistance, James E. Cheek, Howard A. Dawson, Lloyd H. Elliott, and J. Lloyd Trump met in 1971 in the capacity of Council Incorporators, the National Council on Educating the Disadvantaged was incorporated as a nonprofit organization in Washington, D.C., the Council Board of Directors was established, the executive officers of the Board were appointed, and efforts to implement the Cooperative Improvement Program were expanded.

Working as an implementation team, the Council Board and the Council Staff have encountered conditions which present problems for improvement programs in general and the Cooperative Improvement Program in particular. Some of these conditions can be generally summarized briefly as follows:

1. The conventional pattern of special programs in education has tended to be categorical rather than general. There has been widespread acceptance of piecemeal and project work on parts of problems, but little emphasis upon the scientific study of whole areas in which educational improvement is required. Categorical and piecemeal efforts tend to be relatively small and limited. Massive attacks on big problems are more easily postponed than urgent crises which seem to demand immediate attention. Categorical programs have tended to be compensatory rather than oriented to problem solving.

2. When public funds are spent on a crash basis, it has seemed expedient to rely upon money as a magic power in solving problems and to delegate the management of money to the existing institutions which seem to have the greatest renown and resources in given problem fields. This has resulted in large sums of money being made available to relatively few select colleges and universities for major programs. Project funds are more widely distributed geographically.

3. There is wide disparity between Federal authorizations and appropriations. Federal appropriations are frequently out-of-phase with college and university requirements for staff recruitment and program operations.

4. Project grants provide soft dollars which contribute little to professional advancement and, hence, have limited appeal to tenured faculty.

5. Program administration by Federal bureaucracies is affected by periodic changes and transitions at Federal Executive levels.

6. Private foundations are currently involved in self-assessment and public appraisal due in part to program and project funding policies over the past two decades. New trends in foundation funding may emerge. These trends may have significance for colleges and universities and for education improvement programs.

7. Teacher preparation programs are generally weighted in favor of certification requirements rather than experience-centered practicum and internship training.

8. Having now passed through what seems to have been the halcyon days of categorical support, the education community has entered upon the assessment and evaluative phase with which all projects are concluded. Early reports seem to indicate that the overall needs of the disadvantaged for the improvement of education have not been met thus far.

This general background on conditions affecting implementation leads to the consideration of specific and immediate problems which are fourfold:

1. There is urgent need for an educational improvement program now. Educational achievement at the college level adjusts to the instructional competence of the faculty and to the learning competence of students as the undergraduate and graduate processes of education unfold. Adjustment may be modified by inservice and staff development work with faculty and remedial work with students. Many institutions provide remedial courses for students. In precollege education, students are dealt with more extensively in groups and classes than as individuals in open and flexible instructional settings. Many factors significantly minimize inservice training for public school instructors and their supervisors. These and other factors contribute to both the covert and the overt dropping out of students prior to or during secondary and college education. The potential of both covert and overt dropouts is not being achieved optimally. This is a great loss to them individually, to the nation collectively, and to the taxation establishment financially. Inadequate or less than potential education is costly. While we need to fortify ourselves for tomorrow's future shock, we urgently need to address ourselves to the problems of learning and teaching for today's generation.

2. If the Cooperative Improvement Program becomes as operationally massive as it has been conceptualized, massive funding, specialized manpower, and new instructional resources will be needed. While more than fifty authorizations for Federal aid include inservice training, a renewed emphasis on inservice practicum training is needed in the legislative authorization process. While significant support for inservice training is authorized at the Federal level, the process of appropriation legislation does not receive sufficient impact from the grass roots on improving education to generate appropriations commensurate to authorizations. While authorizations generate specific assistance to state and local education agencies for inservice training, local school priorities rank practicum inservice training far below the level of need.

While teacher preparation institutions are responsible for both preservice preparation and inservice preparation, the latter tends to consist of graduate courses in which field study and practicum training play minor roles. All of these conditions are relevant to our consideration of implementing and funding the Cooperative Improvement Program.

3. If we are to address ourselves to these problems within the context of challenges to which we make effective response, we must strive to elevate educational improvement for the disadvantaged to higher priority status in functional areas of education in precollege and college levels. We must also contribute to the renewal of insight and commitment among public and private funding agency policymakers on the role of inservice training in elevating educational achievement to functional levels of potential. This will not come to pass by happenstance. It will require purposeful design, commitment to purpose, and the organization and coordination of resources requisite to meeting current and continuing needs.

4. We have come to believe that the Council approach to implementing the Cooperative Improvement Program can contribute significantly to resolving these problems. We have committed ourselves to transform the conceptualization of the Council approach and the Cooperative Improvement Program into operational realities. We have refrained from making premature requests for funding—even funding for implementation costs thus far. The Council Board Staff has

committed their full-time effort to the Program prior to provisions for service remuneration or travel reimbursement. Commitment is sought to implement program operation in 65 colleges and universities in 26 states, in 26 State Committees on Planning and Development, in 8 to 12 Local Committees and Local Councils on Educating the Disadvantaged in each state, and in 25 to 36 Local Education Agencies participating in Task Force Learning Centers in each state. We believe this commitment will generate status for the program sufficient to warrant public and private support of the essential components of ~~the~~ Program.

We believe that the implementation of the Cooperative Improvement Program is within the grasp of the chief administrators and the Faculty Task Forces of the cooperating colleges and universities. Their commitment and participation are essential to operations implementation. We have helped bring the National Council Board into reality. There are at least 25 colleges and universities now ready to cooperate in the Council. There are at least 11 states in which a pilot effort may be implemented now. Effective strategies for Program funding are available.

There are questions which have been discussed frequently during the planning and development conferences which have been held during the past two years. Four questions which have been raised frequently are as follows:

1. *What progress has been made in improving educational theory and practice, to what extent have obsolete practices been both perpetuated or displaced, and what techniques have been fruitful in disseminating innovative and effective changes and improvements in educational practice?*

2. *What components of the educational community are to be involved in and, hopefully, committed to this Program?*

3. *Why have we undertaken the Cooperative Improvement Program?*

4. *How have Program Planning and Program Development progressed thus far, and what has been achieved?*

A partial answer to these four questions is contained in the following restatement of the principal features of the Program.

The National Council on Educating the Disadvantaged was established on August 5, 1971, as a nonprofit organization to support the Cooperative Improvement Program. All chief administrative officers of colleges and universities which support the Cooperative Improvement Program are to be members of the National Council. The work of the Council is to be carried on by a Board of Directors, nine in number, and by an Executive Director, a Resources Coordinator, a Deputy Director, a Deputy Coordinator, and an administrative and supervisory staff. Regional, State, District, and Local Councils will work together.

Five facets of the Cooperative Improvement Program are presented herewith to assist chief administrators who are in the process of arriving at a decision to participate in the Program. Section One deals with the needs of the disadvantaged which have given impetus to planning and developing the Cooperative Improvement Program. Section Two explains the practicum concept which has evolved during program planning and development. Section Three describes the Task Force Learning Center structure and functions. Section Four outlines plans for program funding. Section Five is an abstract of the rationals for the Cooperative Improvement Program. Organizational Chart 1 identifies the components of the Cooperative Improvement Program and explains each cooperating component. Organizational Chart 2 explains the Cooperative Improvement Program. The National Councils supports the program described herein.

ONE

The Cooperative Improvement Program is based upon evidences of need which have been examined by the educators who have helped plan and develop the proposed program. Some of these evidences of need are identified below.

The consumers of education need quality education. All individuals need and are entitled to it. Individuals and groups make up social systems. The American social system cannot survive without improved education for all. In a world shrunken by instant and pervasive communications, lack of communication skills can enable misinformation, withheld information, and distorted information to destroy the democratic system.

The costs of welfare can and likely will bankrupt all levels of American government if education is not significantly improved for the disadvantaged. If welfare costs do not bankrupt the nation, the rising costs of supporting many basically obsolete educational practices will. Improving education for the disadvantaged can turn potential welfare beneficiaries into productive taxpayers.

Improving educational systems and procedures can bring both significant economies and greatly increased returns on the dollars invested in education.

Too many handicapped, average, and gifted pupils drop out. Too many pupils graduate from high school with educational impairments and deficiencies. Too many graduates enter college needing remedial assistance. Too many graduates of high school and college leave school with preparation for a world that no longer exists. Agnes E. Meyer said this two decades ago; but too many teacher preparation programs have too long sustained their own conventional styles of obsolescence.

Early childhood is normally a time for questions, curiosity, discovery, and interest, and for enthusiasm for learning. Instructional practice too often regiments most children into a state where inquiry is moribund.

Many children are permanently disqualified for education by social and economic deprivation before they reach elementary school age. Other children are nurtured in environments favorable to a love of learning but become disqualified for education in school systems where they learn to hate history, mathematics, reading, or school.

The number of those who do not learn to read may equal the number of those who do learn. Of those who do learn, those who do not read may outnumber those who do. Someone has said that those who do not read are as disadvantaged as those who cannot read.

The illustrations of enforced and routinized schooling contribute to emotional disturbance. Functional knowledge gaps generate subject area insecurities and blocks.

Teachers who have been in service for ten or more years are likely to have had meager supervised teaching experience. It is probable that they teach as they were taught in the schools they attended. They are now confronted with educational inequalities, knowledge deficiencies, racial discriminations, organizational transitions, performance exceptancies, and compensatory technologies. They have not had supervised practicum experience in problem solving, in improving instruction, in developing relevant curriculum, and in coordinating resources for learning and teaching.

Field studies carried on during the planning phase of this program tend to show that regardless of the racial composition of the classroom or the teaching staff, few teachers have confidence that they know how to deal effectively either with unequal eudcational opportunities or with disadvantaged learners. These studies tend to show that teachers who recognize their own disparities, disadvantages, and deficiencies welcome proposals for inservice training in practicum, clinical settings for team effort in the improvement of teaching and learning. The field studies have shown also that some supervisory and administrative personnel are responsive to cooperative efforts to renew, improve, and adjust their roles and functions in the educative process and system. The studies indicate further that many disadvantaged pupils are responsive to improved instruction and are motivated by life-centered, functional, learning experiences. It seems to be indicated, also, that some professional educators are committed to improving the quality of instruction and educational administration. Some communities have shown a capacity for educational renewal. Public and private funding agencies demonstrate deep concern and with high interest support programs which implement improvement strategies.

In summary, the field studies have shown that the deepening of concern and the raising of interest in improving the quality of education, thereby overcoming the prevailing disparities in educational opportunity and accountability, depend critically upon eliciting commitment through participation. We find ourselves in a system in which priorities are fixed. Each priority level proliferates its own subsystems. Roles and functions are prescribed and regulated. Resources are perpetually inadequate, disorganized, and in disarray.

These prevailing conditions would destroy perseverence, except that basic educational theory justifies persistent, unrelenting, and pervasive efforts to improve the quality of education. The basic modifying factor in the renewal, improvement, and adjustment of man's behavior is learning. If this Program is sustained in effective efforts to initiate, direct, and assess changes in our collective behavior as suppliers and consumers of education, we may discover that educational needs of the disadvantaged can be met.

TWO

The Cooperative Improvement Program is designed to implement a practicum concept to meet the needs of the disadvantaged. The program is designed to encourage and assist in reorganizing preservice undergraduate curricula in teacher education so that practicum experience in educating the disadvantaged shall become an integral area of study in the process of certifying teachers and instructional supervisors and a basic criterion in teacher accreditation.

The Cooperative Improvement Program also proposes to provide post-graduate inservice experience for trained teachers and their supervisors whose training was deficient in direct experience and clinical study of the education of the disadvantaged.

The practicum is favored for teachers and their supervisors. This practicum program will provide for clinical experiences of the trainees to take place in predominantly inservice settings rather than in resident graduate study. Leave of absence on the part of the trainee from his regular teaching or supervisory duties will not be required. The trainee will study and apply problem solving techniques related to school administration, instructional supervision, and curriculum reorganization in clinical settings with the disadvantaged. The trainee will travel to college campuses for some seminar and laboratory work, but his major practicum training will be in the field. University faculty and graduate interns will join the trainees in field experiences.

This program is designed to minimize staff drain. To export retrained teachers and supervisors would further impoverish the instructional resources of the disadvantaged. To conserve retrained leadership will provide resources to diffuse new and relevant technologies into disadvantaged areas of education. Instructional supervisors who gain the practicum experience may avoid displacement in the processes of the transition to desegregation and/or may encourage school boards to take such action as may be required in enacting and practicing equal opportunity employment policy.

The Cooperative Improvement Program is designed to improve the quality of education. By this is meant the renewal, improvement, and adjustment of the roles, functions, processes, and resources intrinsic to learning and teaching. This program is concerned with: (1) identifying significant disparities in educational opportunity and exploring promising avenues of equalization: (2) determining the status of the quality of education among the disadvantaged and exploring promising avenues to the achievement and maintenance of essential elements of functional quality; and (3) assessing the substantive nature of educational disadvantage, identifying the extent to which disadvantages impair the producers and consumers of education, and exploring promising avenues of diagnostic, corrective, and preventive strategies.

Within standard vocabulary context, this program is based upon the consideration that each producer and consumer of education is educationally disadvantaged as a learner if he has attained less than optimal congitional development, emotional maturity, skill performance efficiency and volitional ability.

Standard vocabulary provides an explanation of what is meant by "optimal cognitional development." This program seeks to renew, improve, and adjust continuity and cohesion in the learning process, to achieve and sustain regularity in cognitional articulation, and to enhance the learner's opportunity to attain optimal perceptual development. Many who are educationally disadvantaged may be cognitionally underdeveloped. This may mean that they have been impaired or stunted by instructional discontinuities, breaches, broken or distorted learning sequences or gaps. Systemic learning deformities may result from: (1) disjointed experiences; (2) irregularities and disarrangements in learning processes; (3) unnatural and illogical learning procedures; (4) imperfect, defective, abnormal, unplanned, nonscheduled, and disorganized learning resources; and (5) defects in the intrinsic design for essentials to functional understanding. These statements are not made with finality; rather, they are set out to illustrate the substance of the interest, concern, and commitment out of which the Co-operative Improvement Program has been generated. This interest, concern, and commitment is focused upon emotional maturity, skill performance efficiency, and violational stability no less than upon cognitional development. The practicum concept in essence is a systems approach, based upon direct experience, to the solution of the problems of teaching the disadvantaged and to their problems of learning.

THREE

The Cooperative Improvement Program is designed to coordinate resources and to provide facilities and practicum instructional curricula in local education agency areas where Task Force Learning Centers are to be established and maintained as laboratories on educating the disadvantaged. Each Task Force Learning Center will accomodate 40 teachers and supervisors as trainees, 200 volunteer teacher-tutors, 200 volunteer teacher-aides, 1000 disadvantaged elementary and secondary school pupils, and 1000 parents of disadvantaged school children. Each Task Force Learning Center will be in operation for two years. In the aggregate, over a five-year span, 500 Task Force Learning Centers are to be organized and supported.

Each cooperating college and university which offers only preservice training in education will maintain a Faculty Preservice Task Force with responsibility to diffuse the practicum concept into the preservice undergraduate curriculum provided for the education of teachers and supervisors. Each cooperating college and university which offers preservice plus graduate training in education will maintain a Faculty Preservice Task Force related to preservice training, a Faculty Inservice Task Force on postgraduate practicum inservice training to be carried on at the Task Force Learning Centers, a Faculty Research Task Force on research related to the problems of the disadvantaged, and a Faculty Task Force on Coordinating Resources for the improvement of education.

The Cooperative Improvement Program at the local operational level consists of supporting practicum training Task Force Learning Centers in which to provide 12 to 16 advanced academic credit hours for inservice elementary and secondary school teachers and supervisory administrators who need additional experience and training in solving the educational problems which derive from inequalities of opportunity and from knowledge deficits. It is believed that these educational problems are related to four areas of practicum training curricula: (1) problem solving theory and practice, (2) administrative organization and management, (3) improving instruction, and (4) reorganizing and developing relevant curriculum as these areas relate to inequalities of opportunity and knowledge deficits at the local education agency level.

Each cooperating university will develop its own practicum curriculum, will apply its own admissions standards, and will supervise and evaluate its own trainees. With unanimity in goals, there may be significant diversity in means or avenues to achieve objectives. Cooperative leadership training may provide both unanimity and diversity as innovative resources are coordinated for the task.

The pilot operations year of the Cooperative Improvement Program, is designed to elicit cooperation from four colleges and universities in each of seven pilot states and the District of Columbia. Three pilot Task Force Learning Centers will be established in each state. The first six months of the pilot operations year will be devoted to leadership training for supervisory personnel in Task Force Learning Centers, in Local, District, State, and Regional Councils, and in college and university Faculty Preservice, Inservice, Research, and Resources Task Forces. The remaining six months of the pilot operations years will be used in providing practicum training for pilot trainees at Task Force Learning Centers, in evaluating the effectiveness of the Program, and in organizing the five-year operations program which is to follow. The five-year operations program will be projected into twenty-six states in the Southwestern, Southeastern, Central, and Atlantic Coastal areas of the United States.

FOUR

The National Council will seek support from at least six private granting agencies in each cooperating state each year throughout the program. The Local and National Councils will seek support from Federal and state programs which are authorized and for which funds are appropriated for the improvement of education for the disadvantaged. The National Council will request private and public funding agencies to authorize and appropriate fiscal support for Cooperative Improvement Programs commensurate to the needs of the disadvantaged and to the capacity of the National and Local Councils to carry on effective roles in improving education for the disadvantaged.

The National Council now needs public and private funds with which to implement the involvement, commitment, and organization of college and university Faculty Task Forces and Local, District, State, and Regional Councils. Funds are needed now to support leadership training and Task Force operations during the pilot year. Private and public funding agencies will be canvassed to identify available funding sources. Proposals and requests will be prepared and submitted.

The chief state school officers in each cooperating state will be asked to assist in planning and funding a one-day workshop for cooperating college and university Faculty ask Force personnel and a one-day workshop for local Task Force Learning Center and Local, District, and State Council personnel preparatory to the organization and implementation of the Cooperative Improvement Program in each state.

The Cooperative Improvement Program has a distinctive quadruple thrust. The program is designed to diffuse the practicum concept into preservice training in teacher education. The program is designed to improve the instructional and supervisory competence of teachers and administrators whose professional training lacked practicum and clinical experience in remedying and preventing learning discontinuities and educational opportunity disparities. The program further proposes to improve the quality of education for disadvantaged pupils per se. Finally, the program is designed to involve the whole educational community from the local to the national level in a concerted movement committed to equalizing, enriching, renewing, improving, and adjusting educational opportunity for all.

Strategies for cooperative funding must be agreed upon and implemented whereby the costs of the pilot operations year can be underwritten. A fundamental premise of the Cooperative Improvement Program is that cooperative funding is the only means by which the National Council can facilitate the improvement of education for the disadvantaged. Cooperative funding will involve the Councils, the participating colleges and universities, and the granting agencies which are authorized and funded to support educational programs for the disadvantaged.

Cooperative funding will be needed to underwrite the costs of leadership training for Faculty Task Force and Council personnel during the pilot operations year. Field study during the pilot operations year will be required in testing the validity, reliability, efficiency, and objectivity of the Cooperative Improvement Program before the five-year operations program can be adopted.

The participating colleges, universities, and Councils need external funds to underwrite the costs of participating in the Cooperative Improvement Program. The colleges and universities need support with which to provide leadership training and released time for participating faculty members. The Councils need program implementation support. The National Council will adopt fund raising plans as its first meeting in November, 1972.

The National Council invites and will welcome the cooperation of the college presidents, their external funding personnel, and foundation administrators in generating support for the Cooperative Improvement Program. Likewise, the National Council seeks cooperation from the administrative officers of Federal, state, and local agencies responsible for educational programs for the disadvantaged, in channeling discretionary and Title funds into the programs of the Councils. It has been estimated that the Local and National Councils will need $3.200 per Task Force Learning Center trainee with which to underwrite the costs of providing 16 credit hours of inservice practicum training. Support in the amount of $1600 will be needed to cover the costs of academic services by the trainee's sponsoring college, and $1600 will be administered by the National Council at the local Task Force earning Center to provide nonacademic services for each trainee. The National and Local Councils will cooperate in developing programs which meet eligibility and program standards of Federal, state, and local funding agencies and offices. The Local Councils will contract with sponsoring colleges and the National Council to provide academic and nonacademic services at the Task Force Learning Center.

The National Council needs support from the discretionary resources of all granting agencies. The Council recognizes that many foundations reserve some funds for discretionary uses. The Council is also aware that some Federal, regional, state and local public agencies are allotted discretionary funds which could be channeled through the National Council to support the Cooperative Improvement Program.

The Cooperative Improvement Program has been planned and developed by educators who are confident that Council leaders, college presidents, foundation executives, and public education agency administrators will find ways cooperatively to underwrite the costs of improving education for the disadvantaged.

Thus far, in planning and developing the program, no effort has been made to identify the priority level at which responsible leaders rank improving education for the disadvantaged. Responsible leaders in the Congress, in Federal executive offices and agencies, in state legislatures and education offices, in foundation offices, in colleges and universities, in professional organizations, in public school boards and systems, in the judiciary, in the clergy, in news media, in business, in the professions, and in the home determine national priorities. If all such responsible leaders were to list their highest ranking interests, involvements, and commitments, it is hoped that improving education for the disadvantaged would be ranked among the first ten. If a majority of responsible leaders in the nation would so rank improving education for the disadvantaged, there would be no doubt that the Cooperative Improvement Program would be implemented. Responsible leaders who are committed to educational renewal will find ways to underwrite program funding requirements.

FIVE

The reasons for improving the quality of education, equalizing disparities in opportunity, and overcoming deficiencies are fundamental and relevant. The rationale of the Cooperative Improvement Program is commensurate in scope to the magnitude of the problem.

The massive impact of deficiencies in learning and of disparities in educational opportunities, resources, and achievement is made indiscriminately upon pupils at all school levels. This is not the exclusive problem of the poor. It affects students of adequate, ample, or even affluent means. While below average ability pupils meet these problems, the ordinary and gifted are impaired also. These deterrents to effective education generate disadvantages in Appalachia, in the cities, in suburbia, and in rural areas.

These problems are epidemic throughout the nation. They are particularly acute in school systems and settings where *de jure* and *de facto* segregation have prevailed for a century and where the transition to desegregation has prevailed for less than a decade under either voluntary support or involuntary compliance. Good education for all remains elusive.

The Committee on Planning and Development seeks a massive and effective response to this challenge. Significant time, effort, and money have been used to develop, plan, refine, and implement a cooperative pilot program to seek solutions to these problems. The Committee has developed a proposal which is commensurate to the magnitude of the problem. The proposed plan focuses upon diagnosing and remedying the causes of both deficiencies in learning and disparities in learning resources and upon developing preventive strategies to terminate the impact of these problems. Resources are not to be dissipated in peripheral and redundant projects.

The problems of deficiencies and inequalities are deeply rooted and basic. Exemplary program development has not generally served as an effective change agent. The dissemination of exemplary innovations implant far too little change into existing practice if external funding is not continued and expanded. A massive pilot program may develop and test problem solutions. If the pilot effort could be diffused into or become integral to ongoing teacher education, effective remediation and prevention might become standard practice and thus rely more upon internal than upon external funding. Long-range solutions are needed. They may come when policy makers, cost underwriters, parents, educators, and pupils generate such a critical mass of cooperative involvement that resources and strategies for exemplary improvement can be catalyzed, coordinated, expedited and disseminated.

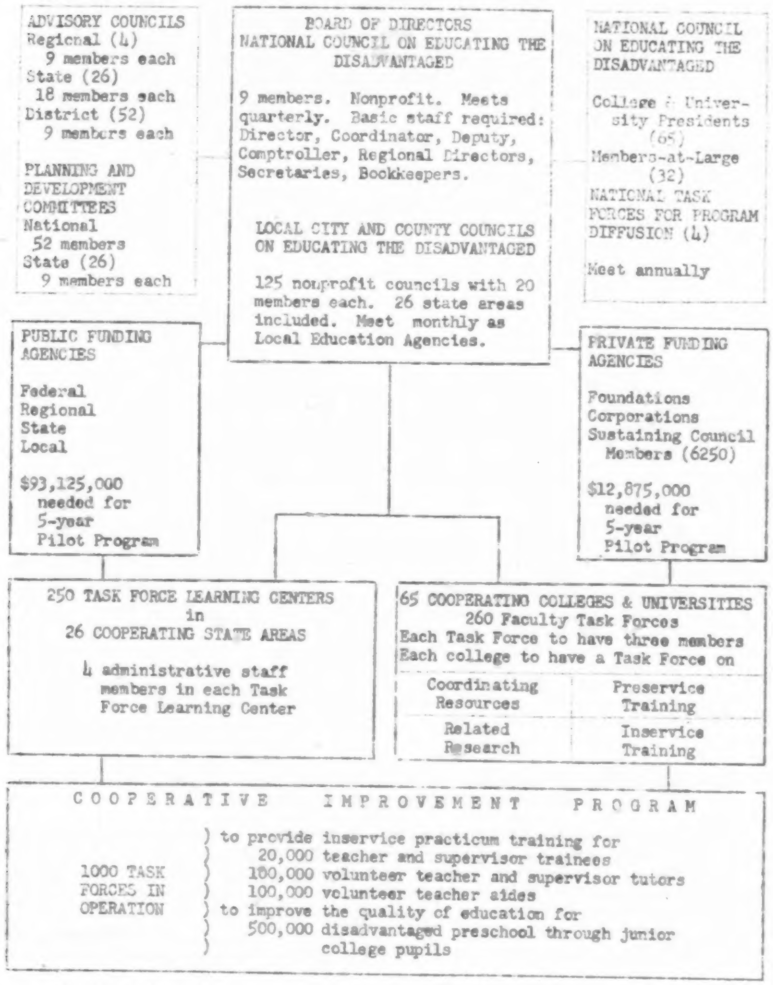
Learning is the primary catalyst for man's social, economic, and political improvement. The primary factors in modifying behavioral outcomes are the nature of learning, the nature of the learner, and the implications of both upon instruction. Pupil achievement may fall below optimal and potential levels if teachers lack experience-based competence in understanding learning, the learner, and the implications of both upon good instruction.

The Committee seeks to implement an inservice practicum effort to improve instruction. The core of the practicum will be developed cooperatively. Curriculum resources and program strategies are being developed and coordinated and are available to cooperating committee, council, faculty, and agency personnel. If massive cooperation can become commensurate to the massive need, the desired improvement program may become a reality.

This section of the overview was prepared to provide resource material for chief administrators who are in the process of making a decision with reference to affiliating with the Cooperative Improvement Program. The overview was designed to provide adequate information upon which an affirmative decision might be made. The overview was also prepared to enable the chief administrators to sense the needs of the disadvantaged students in the schools and of their teachers and instructional supervisors. Affirmative decisions can be made in response to felt needs. If affirmative decisions are made, some assistance from the Council Board Staff should provide suggestions on specific action which needs to be taken now. Section III of this overview contains an outline of the specific steps which should be taken by all chief administrators who plan to affiliate with the National Council on Educating the Disadvantaged and who plan to implement the Cooperative Improvement Program in their schools.

Organizational Chart 1 identifies the components of the Cooperative Improvement Program and explains each cooperating component. Organizational Chart 2 explains the Cooperative Improvement Program.

ORGANIZATIONAL CHART 1



ADVISORY COUNCILS
Regional (4)
9 members each
State (26)
18 members each
District (52)
9 members each

PLANNING AND DEVELOPMENT COMMITTEES
National
52 members
State (26)
9 members each

BOARD OF DIRECTORS
NATIONAL COUNCIL ON EDUCATING THE DISADVANTAGED

9 members. Nonprofit. Meets quarterly. Basic staff required: Director, Coordinator, Deputy, Comptroller, Regional Directors, Secretaries, Bookkeepers.

LOCAL CITY AND COUNTY COUNCILS ON EDUCATING THE DISADVANTAGED

125 nonprofit councils with 20 members each. 26 state areas included. Meet monthly as Local Education Agencies.

NATIONAL COUNCIL ON EDUCATING THE DISADVANTAGED

College & University Presidents (65)
Members-at-Large (32)
NATIONAL TASK FORCES FOR PROGRAM DIFFUSION (4)

Meet annually

PUBLIC FUNDING AGENCIES

Federal
Regional
State
Local

$93,125,000 needed for 5-year Pilot Program

PRIVATE FUNDING AGENCIES

Foundations
Corporations
Sustaining Council Members (6250)

$12,875,000 needed for 5-year Pilot Program

250 TASK FORCE LEARNING CENTERS
in
26 COOPERATING STATE AREAS

4 administrative staff members in each Task Force Learning Center

65 COOPERATING COLLEGES & UNIVERSITIES
260 Faculty Task Forces
Each Task Force to have three members
Each college to have a Task Force on

Coordinating Resources	Preservice Training
Related Research	Inservice Training

COOPERATIVE IMPROVEMENT PROGRAM

1000 TASK FORCES IN OPERATION
) to provide inservice practicum training for
) 20,000 teacher and supervisor trainees
) 100,000 volunteer teacher and supervisor tutors
) 100,000 volunteer teacher aides
) to improve the quality of education for
) 500,000 disadvantaged preschool through junior college pupils
)

ORGANIZATIONAL CHART 2

COLLEGES AND UNIVERSITIES

65 Colleges and universities: to provide academic service to Local Councils and Task Force Learning Centers.

1690 College and University presidents (65), proxies (65), faculty task force members (780), and graduate intern assistants (780): to provide leadership for the National Council, and the national advisory task forces on resources, research, preservice training, and inservice training; to generate and engrain innovative and exemplary programs into ongoing teacher education theory and practice on remediative and preventive strategies for the improvement of education.

COUNCILS, COMMITTEES, CENTERS, TASK FORCES

236 Councils and Committees: to mobilize 3565 educators to plan, develop, implement, and evaluate the pilot program.

250 Task Force Learning Centers: to operate the Cooperative Improvement Program. Administrators and cooperating college and university personnel will provide leadership in each Learning Center.

1000 Operational Task Forces: to provide inservice practicum training for 20,000 teacher and supervisor trainees, 100,000 volunteer teacher and supervisor tutors, and 100,000 volunteer teacher aides; to improve the quality of education for 500,000 disadvantaged preschool through junior college pupils.

LEADERSHIP NEEDS

16 National Council Board and regional employees are needed. (All full time.)

1304 Committee and Task Force personnel are needed. (734 full time.)

910 University faculty members are needed. (All part time.)

780 Graduate intern assistants are needed. (All part time.)

FUNDING FOR PLANNING, DEVELOPMENT, OPERATIONS

125 Local Councils: to work with the National Council Board in requesting grants from public and private agencies; to negotiate with colleges for academic services and with the National Council Board for nonacademic services.

6250 Sustaining members of the Committees and Councils: to be asked to contribute $100 per year for five years for program planning and development and for Council Board operations.

25 Foundations: to be asked to grant $8,000,000 to the colleges cooperating in the program. ($1,600,000 per year for five years; 75% to be divided among 65 colleges and universities for faculty released time and expenses; 25% for college support of National Council Board operations.)

100 Corporations: to be asked to grant $1,750,000 to the colleges cooperating in the program. ($350,000 per year for five years; 75% to be divided among 65 colleges and universities for faculty released time and expenses; 25% for college support of National Council Board operations.)

180 Local, State, Regional, and Federal Educational Agencies: to be asked to invest $93,125,000 to support the five-year pilot program. ($3,125,000 for program planning and development; $25,000,000 for research; $65,000,000 for program operations.)

726,229 Disadvantaged pupils, trainees, tutors, aides, college personnel, committee members, and council members: to be involved in the program during the five years at a per capita cost of approximately $146.00. The 620,000 direct participants in the program may increase their taxable earnings to the point that the estimated cost will be recovered.

III. CENTRAL ISSUES OF CONCERN TO EDUCATIONAL LEADERS WHO HAVE REACHED A DECISION TO PARTICIPATE IN THE PROGRAM

We believe that active affiliation by the cooperating colleges and universities, their chief administrators, and their participating faculty members in the work of the National Council will receive widespread public approval. We believe that active participation in national, regional, state, and local improvement efforts will tend to increase the financial support of public and private funding agencies to the colleges and universities. We believe that operational oversight and supervision of the Program within a college or university will amplify leadership

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and administrative competencies. We believe that the substantive improvement of education for the disadvantaged warrants a decision on the part of the chief administrators to bring their institutions into cooperative affiliation with the National Council and the Cooperative Improvement Program. All educational leaders who have contributed to the development of the Program and who are in general accord with the objectives, the rationale, and the basic plans for the cooperative improvement of education for the disadvantaged are requested to expediate affiliation with the National Council.

We believe the academic institutions and their leaders desire an active and useful role in formulating national policies on improving the quality of education. We believe that cooperatively exploring fresh and innovative methods of reflective inquiry and problem solving will generate improvement in the quality of education. We believe that involvement in developing an environment which is conducive to creativity will produce strategies for constructive change. We believe that the cooperating chief administrators have some hunches and educated guesses which should be tested. We believe that the opportunity to become dynamically active in leading a college or university into functional relationship with resolving the problems of the disadvantaged justifies an affirmative response to this invitation to participate in the Program.

The Cooperative Improvement as conceptualized thus far reflects input from more than 300 individual educators and from more than 100 educational agencies and institutions. The pilot phase of the Program will be used for refinements in implementation procedures as planning, development, and operations are cooperatively explored.

The goals of the Council Board and Staff cannot be achieved without effectively articulating the significance of the improvement of the quality of education to the level of the needs of the disadvantaged. The college and university chancellors and presidents who are productively active in improving the quality of education can articulate the needs of the disadvantaged more effectively than any other group of educators. It is also probable that the college and university chief administrators, more than any other group, can play a significant and unique role in influencing the nonschool educative agencies to accept their share of responsibility in improving the quality of the educational system which the survival of a free society requires.

There are many real and unresolved problems in raising the quality of education to the level of the needs of the disadvantaged in both the predominantly black and the predominantly white colleges and universities. A voluntary, cooperative improvement program might infuse functional renovations into operational components of higher education where change is widely considered to be needed and desired.

The Council Board and Staff does not assume that, working alone, they can become the change agent for all of the educational agencies in the nation. The Council Board and Staff can conduct field studies, can identify the problems related to educating the disadvantaged, can write reports, can make appeals, can hold conferences, can give testimony in Congressional hearings, can hold seminars, can speak out, and can elicit public and private grants for educational change. This, in the aggregate, is far less than must be done to achieve needed improvements. The chief administrators can do far more. They can accomplish improvement. They have entre to all levels of educational leadership from Head Start to the Ed.D. and the Ph.D. No other group is endowed indigenously with the resources which are essential to improving education to the level of excellence required in the attainment of adequate education.

Without forthright National Council leadership on the part of the chief administrators, the Council Board and Staff will encounter insurmountable obstacles. One illustration should demonstrate this point. The competition for project ideas is ruthless. Programs are too fragile to survive competition with projects. Strategies for the development of effective programs should not be siphoned off into nonproductive projects. Program blindness and project myopia should be corrected. Programs will become extinct unless the chief administrators protect the species. They alone can implement protection.

There are three questions which are of concern to chief administrators who understand the what, who, when, where, and why of the Program and are now ready to explore the ways and means by which to fund and implement the Program.

These questions are stated below. Following each question are suggested answers which have been prepared as resource material for the chief administrators.

Question 1. What is proposed in terms of specific categories of funding and services which are considered to be essential to college and university participation in the Program?

It is proposed that cooperatively the National Council Board Staff, the Local Councils, and the colleges and universities establish liasion with public and private funding agencies to generate external support for the cooperating college and university components of the Program. It is essential that initial implementation and operations funding be provided in the following amounts and categories:

(1) A total of $7500 is needed in seed funds for the Program with a maximum of $3750 in front funding from each college and university. This $3750 is to be matched, if possible, with $3750 from an external funding agency. This $7500 will provide $3750 to cover the costs for 12 months of the travel and program implementation expenses of the chief administrator and the Faculty Task Force leaders in attending meetings if the National Council and/or the Council Board and in participating in national, regional, and local leadership training workshops. The colleges and universities have provided travel funds for their representatives who have attended program planning and development meetings thus far.

This $7500 will also provide $3750 to cover the Council Board Staff costs for 12 months of travel, staff service, and program resources expenses incurred by the Council Board in providing advisory assistance on the Program to the colleges and universities at oncampus conferences and in providing assistance in developing and presenting requests to public and private agencies for matching grants for front funding and for operational Program funding. Travel and service reimbursements shall be upon bases mutually acceptable to the schools and the Council Board. Travel reimbursements will be filed on the regular voucher systems of the affiliating schools.

An initial service and program resources allotment of $300 should be made by each cooperating college or university to the Council Board. A regular monthly service allotment of $150 should be made by each cooperating college or university to the Council Board.

The Council Board Staff has served the Program thus far without service remuneration and with less than 10% reimbursement of extensive travel expenses since April 1, 1971. The National Council has thus far been financially unable to assume any of the costs of operating the National Council Office. We hope to recover the prior out-of-pocket expenses incurred by the Council Board and the Staff and to continue the Program with sufficient support to cover operational costs. Service allotments will be used in part to recover prior deficits.

A Council Board Staff member will need to devote at least 18 days of service during the next 12 months to each cooperating college or university on campus, at regional seminars, at the national headquarters office and at public and private funding agencies where external grants are to be requested for each cooperating college and university.

This $7500 for seed funding is also needed to initiate the operational funding of the Program as detailed hereinafter.

(2) A minimum of $30,000 per year for five years from private funding sources and/or public discretionary funds for each cooperating college and university to underwrite $22,500 yearly for Faculty Task Force leadership training and Program implementation and $7500 yearly for Council Board Program and funding service costs.

An arrangement will need to be made as the Program develops to provide released time for one faculty member in each state to serve as State Deputy Director for the Program and for another faculty member to serve as State Deputy Resources Coordinator. Each State Deputy should serve a term of one semester or two quarters. The cooperating schools in a state should rotate in providing candidates on released time for these offices.

The Council Board should select the State Deputies on recommendation of the chief administrators in each state. In addition, there should be a National Deputy Director and a National Deputy Coordinator. These National Deputies should serve for 4 or 6 months in Washington, D.C. It is suggested that they should be selected from among the leaders coming up through the State Deputy offices. Exceptions to this suggestion should be acceptable. The Council Board should select the National Deputies upon recommendation of a committee of chief administrators, assisted by the Council Board Staff as ex officio members of the committee. The colleges and universities can share the costs of these special services. The Council Board will need the $7500 included in this item to assist in funding this administrative leadership training component of the Program.

(3) A minimum of $50,000 per year for each cooperating college and university from overhead recovery funds, private funding sources and/or public discretionary funds for a universitywide interdisciplinary effort in conjunction with the Faculty Task Force emphasis upon inservice practicum training on improving the quality of instructional competence and performance of the faculty within the university.

This is a suggested activity for each college and university. The major role of the Council Board Staff in this activity will be in providing assistance in securing the $50,000. Some of the cooperating colleges and universities are well into this type of program and some have secured significant funding for the improvement of instruction. The Center for Educational Resources can serve the National Council and the cooperating colleges and universities as a clearinghouse on program planning and development resources related hereto.

(4) A college and university generated formula share of a comprehensive research effort, sponsored by the cooperating colleges and universities and the National Council at an estimated cost over five years of 25 million from external public and private sources for cooperating college and university faculty-directed research on:

Identifying factors associated with less than potential achievement in instruction and learning.

Exploring promising hypotheses and innovative educational practices related to improving instruction.

Disseminating instructional and learning modifications into preservice and inservice practicum curricula.

The National Institute of Education which received the approval of the President on June 23, 1972, may provide up to 1 billion per year within a decade. The chief administrators should help in bringing the NIE into effective operation.

(5) An estimated $200,000 from private funding sources to be administered by the National Council Board in association with a team of three to five cooperating colleges and universities to provide doctoral fellowships to make assessments of needs, of available existing resources, and recommended provisions for the research component of the Program and for current and continuing Program leadership, manpower, and support requirements.

(6) A cost-of-training reimbursement estimated at $12,000 per year from Local Education Agency Title support of inservice training for college and university teams engaged in providing academic services to workshops and field studies on program planning, development, and implementation. Each of 16 states will need a minimum of 12 Local Councils on Educating the Disadvantaged. This component of the Program will function under the Planning and Development Committees where planning discussions are in progress.

(7) A cost-of-training reimbursement, estimated at $800 per trainee per year from external sources, for academic teams of cooperating colleges and universities. This is to enable teams to provide academic services to Local Councils for participating inservice practicum trainees.

This will also provide support for Task Force Learning Centers in which the trainees will actively engage in the Cooperative Improvement Program under joint sponsorship of the cooperating colleges and universities and the Councils. Provision is made for each trainee to be in the Program for two years during which time 16 quarter hours of postgraduate credit may be earned in nonresident, inservice, practicum training programs designed and directed by the cooperating college and university teams. The cooperating colleges and universities are to direct practicum training for each teacher-trainee. Each teacher-trainee practicum will include services to five teacher-aides and five teacher-tutors in improving education for 25 under average, average, above average, and gifted pupils achieving below their potential levels. The practicum and research components of the Program are designed to involve each trainee, his tutors, his aides, and his complement of disadvantaged pupils. In the aggregate, there are to be 20,000 trainees in 26 states. With 65 cooperating colleges and universities, there will be approximately 26 academic teams. The proposed budget herefor, in terms of five years of operation, is estimated at $32.5 million. Additional support funds for nonacademic service requirements for trainnees is estimated to amount to $32.5 million to be administered by the Local Councils and the National Council Board.

(8) It is proposed that a basic monthly budget be established by the Council Board to underwrite support for the Program headquarters office, staff, travel, and planning and development continuity. Funds for this budget should come from foundation grants, public discretionary funds sources, corporations, sustaining members of the Council, and overhead recovery funds of the cooperating colleges and universities (as detailed in Question 1, Item 1 above).

While our primary funding objective is to help the cooperating colleges and universities in raising the quality of education, the external granting agencies assess academic commitment to the Program by institutional willingness to share implementation costs—even at the level of token sharing. Colleges and universities which can extend token support for implementation will find the Council eager to use token support as an aid in winning public and private granting agency funds for the cooperating colleges and universities.

Question 2. What specific activities are essential to the implementation of the Cooperative Improvement Program and in what sequence should these activities be scheduled to achieve effective operations?

(1) Introductory and exploratory conferences, on campus, with the chief administrators of all 65 colleges and universities to be invited to cooperate in the Program.

A copy of this overview is to be hand delivered to the chief administrators who are ready to explore participation in the Program. This chief administrator's personal copy of the overview should be retained by him as a reference guide on the Program.

(2) Oncampus conferences with the Faculty Task Force personnel at each institution where chief administrators agree to explore participation and appoint Faculty Task Forces for exploratory conferences.

A date should be set for the Council Board Executive Director and/or the Resources Coordinator to return to the campus of the cooperating college or university to implement the Faculty Task Force Leadership Training workshop for the Program. The Center for Educational Resources will provide copies of this overview and other resource materials for each cooperating faculty member. The cooperating college or university should reimburse the Council Board for the travel and service costs of the Board Staff for oncampus implementation activities.

(3) Planning and Development Committee organization and leadership training in each of the 25 pilot states and the District of Columbia.

The expenses of the Planning and Development Committee will not be paid by the colleges and universities. The colleges and universities and the Council Board will be reimbursed for services provided to the Committees on Planning and Development.

(4) Local Council organization in terms of 8 to 12 Councils in each cooperating state.

The colleges and universities will assist in the organization of the Local Councils but will not defray the expenses of the Local Councils. The Local Councils will support the cooperating colleges and universities.

(5) Coordinating the Program and its components through Conferences and Leadership Training Workshops and Field Studies at State Offices of Education and Local Education Agencies in each cooperating state.

Such funding as the colleges and universities may provide for the expenses of these conferences, workshops, and field studies will be confined to supporting participation by their own administrative and faculty personnel and should be paid out of the front funding budget described in Question 1, Item (1) above.

(6) Organizing the members of the Council into special committees to plan, prepare, and submit proposals for grant support from public and private agencies for each component of the Program.

This will be a major function of the chief administrators as they assume leadership roles in the National Council.

All six activities need to be carried on simultaneously. Sequence will be primarily a matter of locations where the work is to be initiated. Readiness for next steps on the part of cooperating colleges and universities will determine the order of implementation efforts until the regular meeting of the Board of Directors in October and of the National Council in November. Activity One is first in importance in the immediate future.

Question 3. What impact will be made upon securing external funding and improving instructional practices and outcomes by the Faculty Task Forces which cooperate with the chief administrators in expediting the Program if the *chief administrators assume primary leadership in the Program and if the organizational configuration and structure of college and university participation is interdisciplinary and interactive rather than monodisciplinary and representative ?*

College and university chief administrators are situated in a complex administrative environment in which they develop typical responses to administrative problems. Responses related to sheer survival include delegating peripheral duties, avoiding subsystem involvement, and relying upon representative organizational structure. Responses such as these frequently determine decision processes related to projects.

Significantly different responses to problems determine the decision processes related to programs. These responses include assuming central responsibilities, accepting system involvement, and relying upon cross-sectional, psychodynamic, interactive, and discovery-oriented organizational structure.

Programs are integral to the primary concerns and commitments of the central administration and the chief administrators of the colleges and universities. Productive, effective, and enduring programs have noneroding rank on the agenda of resources deployment. Programs cannot be implemented effectively by delegating primary responsibilities, by diluting involvement, and by conventional organizational structure.

In planning the Cooperative Improvement Program, we have become aware that leadership by the chief administrators can become the primary force in determining that improving education is to be an integral component of the program of the colleges and universities. Without that leadership, improving education will become a satellite project which will be conditionally fostered only if conventional funding strategies are successful in securing external support from public and private granting agencies.

Implementing improvement programs may require strategic changes in administrative procedures. Strategic changes will be required where administrative procedures have tended to overemphasize representative structure and to underemphasize interdisciplinary task force faculty action. If representative structure is overemphasized, reliance upon projects will take pre-eminence over program implementation. Projects seldom deal with problems which require fundamental organizational and administrative change. Administrative changes evolve from interactive problem-oriented task force study, planning, and development. Representative strutcure tends to sustain the status quo. Each administrative component or discipline representative resists all forms of change which threaten to diminish vested prestige, status, power and resources and is indifferent and acquiescent toward nonthreatening changes. It is functionally difficult to eradicate weakness and to reinforce strengths in the whole organization in an environment of protective action on total preservation of the parts which make up the whole.

The improvement of education will involve all of the disciplines related to education as well as teacher education per se. An interdisciplinary task force for improvement should not be restricted to representation for each academic discipline. If an improvement task force becomes a representative committee, the vested interests of each represented discipline could overshadow or displace the innovative and creative concerns which a dynamic, cross-sectional, interdisciplinary configuration might generate. The improvement team should become an action group as the result of interactive study of the instructional problems encountered in providing resources for optimal learning. Any organizational system other than an interactive team could encounter paralyzing impasses arising from defensive attitudes and adversary dialogue accompanying self-protective efforts by each represented discipline.

Organizational configurations which are representative at the core are deeply entrenched in the conventional wisdom of administration. Representative structure serves administration effectively when representative views are needed. Representative organizational structure has been the accepted pattern of the U.S. Congress since its inception. Even so, representative structure should not be adopted so exclusively that all other organizatnional patterns are unexplored. In addition to representative organization and action-team structure, there are at least six other configurations in which administration functions. The literature in educational administration has clearly delineated all eight patterns since the early 40's in resources prepared for implementing optimal education. In spite of this variety of acceptable patterns, conventional administrative reliance upon representative structure could affect decisions on implementing the Program action team to the point of disregarding the unique needs of the team. The structure of the organization should facilitate the mission of the Program. The mission embraces meeting the instructional and learning resources needs of the disadvantaged. This mission cannot be accomplished apart from problem-centered, dynamic, interactice action by interdisciplinary faculty teams.

The improvement of education is the common and coordinate responsibility of the whole academic community. When this responsibility is accepted in an organizational environment which is based upon dynamic team effort rather than discipline-oriented representation, united concern for improving education can prompt the faculty to act in response to needs which are felt throughout the academic community. Conventional faculty behavior patterns of educational theory and practice can be modified. These behavior modifications may change the substantive curricula of teacher education. If changes come about through responses to felt needs, and if education is to be improved, the organizational pattern must be conducive to needed change rather than to sustaining the status quo.

Both incumbent and future teachers should be enabled to attain competence in remedying and preventing conditions which create educational disadvantages. Changes in curricula in organization and in the deployment of resources essential to college and university faculty participation in education improvement programs cannot be implemented without overt and effective leadership. If all related disciplines are to be involved, the requisite policy changes will, of necessity, depend upon the leadership resources of the chief administrator. He is the chief advocate for improved education. He is the primary force in undergirding the program with fiscal support. He holds final responsibility in decision making having to do with recommendations on the adoption of goals and with the strategic deployment of personnel and funds for goal attainment. He is the chief administrator of the whole university. Implementing the improvement of education will require the involvement and commitment not only of the whole but also of the integral parts which constitute the whole.

Improving education is so massive a challenge so enormous an opportunity, and so complex an assignment that implementation requires released time for participating faculty and essential resources for their support. Decisions on coordinating resources for implementation can be initiated and sustained by the favorable and affirmative action of the chief administrator and the central administration. Intermediate administrators can exhibit interest, recommend, accept involvement, and exercise commitment to reflective inquiry, planning, development, and operations.

Decision making is an integral part of the responsibility of the chief administrator in the overall governance system of colleges and universities. Primary responsibility for the excellence and the effective performance of the colleges and universities is vested in the chief administrators. They are responsible to unify and articulate the decision making process in administration.

In many colleges and universities they are responsible to make final administrative recommendations and/or decisions on program planning, development, and assessment, on resources deployment, on funds requirements, and on funds procurement strategies. Regents and trustees delegate specific responsibilities to chief administrators and empower them to exercise professional judgment as they make decisions in performing their administrative duties. The reasons for accepting responsibility to affiliate with improvement programs become substantive persuasive, and effective if they are implicitly associated with these regular processes of governance in higher education.

Effective administration is facilitated if all component members in the administrative line and staff understand the regular processes of governance in higher education. Support is sometimes diluted by controversies over the processes of governance. The adversary system can intrude into and seriously impair functional administration. This intrusion can be diminished if divisional and intermediate administrators recognize the responsibilities which are vested in the office of the chief administrator and accept the responsibilities which devolve upon the offices of each divisional or intermediate administrator. This concept of support can be functional in practice if program plans are predicated upon each administrator divisional or intermediate knowing the common, coordinate and unique roles vested in his position, being privileged and expected to achieve optimally in carrying out his duties, receiving all credit and rewards to which he is entitled by his position and his performance, and having access to open and comprehensive lines of communication well in advance of additions to, reductions from, and other modifications of the responsibilities and resources of his office. Program plans must be functionally integral also to sustaining administrative unity, unanimity, and uniformity to the degree that each may be required in effective program implementation.

There are substantive reasons for inviting chief administrators in the colleges and universities to exercise leadership in affiliating with the Cooperative Improvement Program, in initiating the Program, and in giving oversight to Program implementation. Affiliation and operations implementation will necessitate policy decisions which can be determined only at the chief administrator level.

We are aware of the role of the chief administrator as he makes decisions which relate to accepting responsibility for programs. The composition of the planning task force assures a broad recognition of the problems which chief administrators face in making decisions on programs. Decisions are arrived at through the process of reflective inquiry about the program. In weighing the implications of implementing programs, attention is focused upon factors and features which are of immediate or remote interest, which widen or narrow interest, which are of central or peripheral concern, which stimulate or tranquilize, which motivate or inhibit, which resolve or raise doubts, which reassure or threaten, which increase or diminish satisfactions, which conserve or waste time, which build up or lessen pressure, which allay or incite frustration, which defuse or ignite controversy, which maintain or disturb equilibrium, which improve or mar institutional public relations, which articulate or misinterpret institutional goals, which recognize or disregard needs, which coordinate or dissipate resources, which augment or deplete funds, which efficiently utilize or overcommit faculty and staff, which stabilize or disrupt organization, which improve or impair operations, and which simplify complexities or compound simplicities.

If the Program leadership responsibilities of the chief administrators are allowed to become too complex and time-consuming, it will not be feasible for them to serve, even though the level of their commitment to the improvement of education may be very high. On the other hand, the Program cannot generate local area, academic, and funding support without chief administrator participation and leadership.

In planning this Program we have sought to resolve this potential dilemma. Comprehensive plans have been implemented to provide leadership assistance to the chief administrators. None who wishes to cooperate should be compelled to reject the Program because of the magnitude of the responsibility accompanying participation.

The National Council will have a regular annual, one-day meeting in November in Washington, D.C. This annual meeting of the National Council on Educating the Disadvantaged will immediately precede or follow the annual meeting of the National Council of University Research Administrators which is attended by many chief administrators and their directors of research and development. This scheduling plan will reduce travel time and costs for some chief administrators and their research funding directors.

The National Council Board of Directors will carry the administrative and fiscal responsibilities of the National Council. The Board has nine members, five of which are chief administrators of colleges and universities. The Board will hold quarterly meetings. Four members of the Board live in the Metropolitan Washington area. The remaining five reside in Winston-Salem, North Carolina; Nashville, Tennessee; Morehead, Kentucky; Lorman, Mississippi; and Houston, Texas. If some of the Board meetings can be held away from Washington where Board and Council members live, administrative responsibilities can be shared more equitably.

The regular oversight of the Program is the responsibility of the Council Board Staff. The present Staff includes the Executive Director, the Resources Coordinator, the Consultant, and the Director of the Center for Educational Resources. With full funding, the Board Staff will be expanded to provide for effective administrative and support services to the cooperating colleges, universities, and Local Councils.

A few chief administrators may be able personally to carry out a major leadership role in coordinating program planning, development, and operations on their campuses. The majority of the chief administrators will find it necessary to share some of these responsibilities. Each chief administrator is requested to appoint a personal representative or proxy to provide central administration stability and continuity for the Program on his campus. When the chief administrators are unable to attend the National Council meetings, their proxy could attend and represent the chief administrator in matters which require Council voting. It is probable that the chief administrators, rather than their proxies, will need to work with the Council Board Staff in dealing with public funding agency administrators and legislative bodies and committees where funding programs for education are initiated and implemented. It is also probable that select groups of chief administrators will need to work with the Council Board Staff in making direct contact with heads of private foundations on behalf of special grants to their institutions. Even so, a fully oriented and experienced proxy will give stability to Program implementation.

Provision is also included for each chief administrator to appoint an on-campus Cooperative Improvement Program Coordinator. The chief administrators may wish to appoint his proxy as coordinator also. This Program Coordinator will work with the President and the National Council Board Staff in implementing the full Program on each campus. Because this is an interdisciplinary program in which the chief administrator plays an unusual and unique leadership role, the Program Coordinator should report directly to the chief administrator. The Program Coordinator should be able to implement the Program if he is appointed at least half time to this responsibility during the pilot phase of the Program.

The Program Coordinator will be responsible to lead the Faculty Task Forces on implanting the Program in preservice training, inservice training, research, and resources coordination. Each Task Force should have a Director and two or three members. The Executive Director and the Resources Coordinator of the National Council Board and their National and State Deputies will assist the on-campus Program Coordinators and Faculty Task Forces in developing and implementing the Program.

All of these provisions are contingent upon our success in securing external funding for each cooperating college and university. We are now ready to seek funds to support the cooperating colleges and universities in implementing this Program. Our ultimate success will depend in large part upon the collective impact the efforts of 65 chief administrators make upon public and private funding agencies.

If each chief administrator will encourage the full exploration of the Program in his institution, if his institution will set aside $3750 to assist faculty and Council cooperation, if this $3750 can be matched with an external grant, if $30,000 can be secured externally each year for each institution for pilot planning and development, if $50,000 can be secured externally each year for each institution for an institutionwide education improvement effort, if grant support from end-of-the-pipeline funding in related Title programs can be sought, if Local Councils on Educating the Disadvantaged can be established in contiguous areas in cooperation with each college or university, if public and private funding agencies can be enlisted to make provisions for inservice training, if the Local and National Councils can generate massive support for inservice training, and if a significant research component can be developed and underwritten, 500,000 disadvantaged pupils can have their education improved in the public schools, 100,000 teacher-tutors can be trained, 100,000 teacher-aides can be trained and utilized, 20,000 inservice trainees can earn 16 quarter hours of postgraduate practicum credit in the colleges and universities, significant problems as yet unsolved can be researched, Faculty Task Forces in each college and university can give leadership to educational improvement, and the National Council can recommend new strategies on improving the quality of education and programs relevant thereto on a nationwide basis. This accurately describes the impact the Council Board and Staff expects the Program to attain if leadership responsibility is accepted by the chief administrators.

Many segments of our world are on collision courses. Educators at all levels need to examine the major forces which polarize our world. Strategies to shorten the traditional education lag are needed. Educational inertia achieves a fixed orbit and resists redirection. Our divided world demonstrates that we do not know how to terminate war. We are incapable of conceptualizing the wholesale depletion and pollution of the world's resources by war. We have not yet educated leaders and followers who know enough, who are sufficiently mature emotionally, who are sufficiently skilled in performance, and who are sufficiently stable volitionally to bring us through these crises. The challenge to service in the profession has failed thus far to recruit and train echelons of leadership requisite to the mobilization of resources for the renewal of education.

The uniqueness of man's nature is its universal capacity for renewal. If our only hope rests upon this capacity for renewal, and if changes come only through behavior modifications concomitant to learning, it is surely apropos to call for a national mobilization for the renewal of education for all.

Education will never achieve the grandeur of renewal without herculean charisma, the effulgent radiance which attends courage, commitment to leadership, integrity, and selfless service. Somewhere in the constellation of the educational métier, there must be dynamic forces which can amplify courage. Challenge survives dark ages. Inquiry may flicker and sputter but its light is never snuffed out. This Program is based upon the need to extend education's conventional orbit—upward to the gifted, disadvantaged because they are so neglected; downward to those who are disadvantaged by disparities, deficits, and deprivations; and outward on the planes where the average are abandoned to contentment and somnolent indifference to a world in shock.

The very crux of the Cooperative Improvement Program is the achievement of optimal participation of sufficient parts and segments of the education community to the degree that educational renewal can become one of the functional and operational commitments of American education. This can be done through persistent and pervasive reliance upon addressing ourselves to the problem and its basic components, adjusting the deployment of available resources to remediative and preventive efforts, discovering innovative resources which we now lack, amplifying and generating resources which are in short supply, sustaining the direction and continuity of the Program, and implanting and disseminating the instructional improvements which accrue from the cooperative effort.

Vast time, energy, and money resources are being expended nationally on programs which have less significance than improving education for the disadvantaged. In midsummer 1972, a $2.6 billion contract was awarded to develop the nation's first space shuttle. In the aggregate, the space shuttle will cost $5.5 billion.

The preparation of the proposal which won the $2.6 billion space shuttle contract cost $40 million and ran to 4,000 pages in 16 volumes, plus three color motion pictures as supplements to the proposal. The proposed Cooperative Improvement Program budget of $93 million to be expended over five to six years is approximately 1.7% of the amount the Space Agency expects to spend on the space shuttle and is less than 0.14% of last year's National Defense Budget. The National Institute of Education hopes to achieve a budget of only $1 billion by 1982.

Confronted as we are with such staggering disparities in national priorities, it is of paramount importance that the chief administrators exercise their full responsibility and their best judgment in expediting the affiliation of their institutions with the Cooperative Improvement Program and in the selection and appointment of their Proxy-Coordinators and Faculty Task Force Directors. Token support in underwriting the implementation budget is also vital.

Reinforcing the present Council Board Staff leadership is urgent. Of the four national level staff members, three are senior citizens. The local educational leadership we recruit in Program implementation will become the National leadership in Program operations.

The Council Board Staff is confident that the chief administrators who are committed to the improvement of education will provide effective assistance in implementing the pilot and operations phases of the Program.

This document is being hand delivered by the Council Board Staff to the chief administrators of the cooperating colleges and universities. Implementation conferences need to be held on campus, in Washington, D.C., or at regional points prior to the National Council meeting in November. The impact of full cooperation will insure the implementation of the Cooperative Improvement Program.

INFORMATION NEEDED FROM COOPERATING COLLEGE AND UNIVERSITY CHIEF ADMINISTRATORS

Please provide the following information if you wish to explore affiliation with the Cooperative Improvement Program. This information can be useful to the Council in helping to implement your participation.

When completed, this schedule should be mailed to: Committee on Planning and Development, Suite 1003 International Office Building, 1319 F Street, N.W., Washington, D.C. 20004.

Respondent's name: ____

Mailing address: ____

Telephone: Area ________________________ Date ____________________

1. A private foundation to which Council Board proposals might be directed for substantial grants to your institution to support cooperation in the Improvement Program:

Foundation: --

Key personnel: --

2. A corporation to which a request for a grant to your school might be directed:

Corporation: --

Key personnel: --

3. Names of faculty members tentatively suggested for service in your school on Task Forces listed below:

(1) Coordinating Resources: --

(2) Preservice Training: --

(3) Inservice Training: --

(4) Related Research: --

4. An ongoing program in your institution (internally or externally supported) which to your knowledge raises the quality of education for the disadvantaged:

Program: --

Location of program: --

Source of support: --

5. Public funding agency to which Council Board proposals for grants to support Improvement Program operations and research should be directed:

Funding agency: --

Key personnel: --

6. Public officials and private agency administrators who favor expanding authorization and appropriation support for preservice and inservice training of teachers of the disadvantaged:

Key personnel	Agencies
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7. Comments

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APPENDIX

CONSTITUTION

ARTICLE I—NAME

The name of this Council shall be the National Council on Educating the Disadvantaged.

ARTICLE II—PURPOSE

The purposes of the National Council shall be to facilitate a national system of cooperative university programs for the identification, diagnosis, remediation, rehabilitation, and prevention of educational, physical, psychological, social, economic, vocational, and environmental disparities and deficiencies affecting, impairing, and limiting both students and educators. In furtherance of these purposes, the National Council and its Board of Directors shall be organized and administered:

To establish and coordinate Regional, State, District, and Local Councils on Educating the Disadvantaged as cooperating affiliates of the National Council to further programs for the improvement of education at local education agency, junior college, college, and university levels.

To coordinate programs in cooperation with colleges, universities, and Local Councils in organizing and administering Local Task Force Centers to provide practimum training and services on educating the disadvantaged for public school pupils, their teachers, and their supervisors.

To cooperate with Local, District, State, and Regional Councils in generating acceptance and utilization of the Cooperative Improvement Program and in eliciting public and private support for the programs and services of the National Council.

To encourage and assist Local Councils in negotiating contractual agreements and arrangements with cooperating colleges, universities, and other agencies, both public and private, for the development, support, and operation of National and Local Council programs and services, including pre- and postgraduate practicum training, consultation, and advisement on: (1) educating the disadvantaged; (2) administration and supervision, curriculum revision and development, and evaluation; (3) educational renewal; (4) equalization of disparities in educational opportunity; and (5) sustaining and improving quality education during the transition from segregation and racial isolation. The development of College and University Task Forces shall be considered integral to fulfilling cooperative agreements and arrangements.

To provide facilities for Local Councils and the Task Force Centers, personnel for line and staff positions required in National and Local programs and services, equipment needed in practicum programs, and educational resources essential to the improvement of instruction.

To organize and encourage the utilization of educational resources components in conjunction with the National Council and with Local Council and Task Force Centers to make resources inventories, curriculum guides, books, and other media essential to problem solving, inservice practicum experience, proposal writing, and program funding accessible to inservice training personnel.

To provide conferences, seminars, and classes in a leadership training curriculum for all Council levels for organizational, administrative, instructional, and funding personnel responsible for planning, supporting, implementing, and evaluating the Cooperative Improvement Program.

To function at the National Council level as a nonprofit educational corporate body with powers, as such, to perform the regular organizational and administrative roles of decision-making and implementation with reference to planning, organizing, coordinating, influencing, communicating, and evaluating National and Local Council programs and services; intervention in legislative activities and political campaigns is excluded from the purposes of the National Council.

ARTICLE III—MEMBERSHIP

The National Council on Educating the Disadvantaged shall consist of not more than two hundred active, voting members. The chief administrative Officer or his designated proxy from each college, university, or agency, cooperatively affiliated with the programs and services of the National Council, shall be entitled to membership on the Council when certified to membership by the Board of Directors. The National Council chief administrative officer membership shall be augmented to the extent of fifty per cent by the Board of Directors as provided in the Bylaws.

The District Councils shall be organized by the National Council within state areas. A State Council in each cooperating state shall be organized by the National Council. Regional Councils shall be organized by the National Council and shall embrace the territory of two or more states and may be patterned after Federal Executive Regional Agencies responsible for Federal programs in support of the improvement of education for the disadvantaged.

The District, State, and Regional Councils shall be organized by the National Council as cooperative affiliates which shall be responsible for the public dissemination of information concerning the National Council programs and services, for the diffusion of the substantive curricula of the Cooperative Improvement Program into the ongoing programs and services of the colleges, universities, and agencies cooperatively affiliated with the National and Local Councils, and to elicit funds and support from district, state, and regional agencies, both public and private, to underwrite the costs of carrying on cooperative improvement programs.

The District, State, and Regional Councils shall be affiliated with the National Council as advisory and supporting components of the National Council but not as administrative organizations responsible for program and service implementation per se. The National and Local Councils will be cooperatively affiliated in the organization and administration of cooperative improvement programs.

Each member of the Regional, State, District, and Local Councils on Educating the Disadvantaged will be a member of his own Council which, as an affiliate of the National Council, will have its own active, voting membership.

For the purposes of eliciting support for the National Council and affiliated Local Councils, each Council may elect to recruit nonvoting, sustaining members who may contribute to the support of National Council and Local Council programs and services.

The Regional Councils shall be organized to facilitate National Council programs and services by providing an affiliate component in which, within the region, the deans of schools and colleges of education cooperating in the program, the chairmen of the State Councils, and select personnel from the regional education community may coordinate dissemination and diffusion and may elicit support in cooperation with and sustained by the National Council.

The State Councils shall be organized to facilitate National Council programs and services by providing an affiliate component in which, within the state, the cooperating District Council chairmen and select personnel from the state education community may coordinate dissemination and diffusion and may elicit support in cooperation with and sustained by the National Council.

The District Councils shall be organized to facilitate National Council programs and services by providing an affiliate component in which, within the district, the cooperating university and college program and project directors, the chairmen of the Local Councils, and select personnel from the district education community may coordinate dissemination and diffusion and may elicit support in cooperation with and sustained by the National Council.

The Local Councils shall be organized, staffed, and administered to facilitate National Council programs and services at the local operations level by providing an affiliate component in which, at the local education agency level, local Task Force Center Directors and select personnel from the local education community may coordinate the Local Council programs and services in support of, in cooperation with, and supported by the National Council.

The National Council program shall encourage unanimity and cooperation and shall avoid the restrictions imposed by uniformity and redundancy. Withal, the National Council, its members, and its affiliates shall be committed to the cooperative coordination and utilization of resources commensurate to the implementation of cooperative improvement programs on educating the disadvantaged.

ARTICLE IV—ORGANIZATIONAL AND ADMINISTRATIVE AUTHORITY

The affiliate Councils shall be constituted by the National Council and shall operate as autonomous and independent organizations working in a cooperative relationship with common goals rather than in an interlocked consortium of organizations. The National Council shall promote, facilitate, and support the organization and operation of the Regional, State, District, and Local Councils in accordance with provisions set forth in the Bylaws.

While autonomous and sovereign in its own sphere, the National Council shall not claim or attempt to exercise line authority over any affiliate Council, agency, college, or university in the ongoing programs and services to which all shall be committed. Affiliates of the National Council may withdraw from their cooperative relationships with the National Council. The National Council may terminate cooperative affiliate relationships. The focus of cooperation shall be upon the needs of the disadvantaged and the values of programs and services therefor which shall be sustained through the cooperative coordination of educational resources dedicated to quality education for all.

The primary responsibilities of the National Council shall be electing the Board of Directors, establishing the overall framework for cooperative programs and services on educating the disadvantaged, generating commitment to educational renewal, extending advice and counsel to the Board of Directors, diffusing practicum training into the programs of the cooperating academic institutions and agencies, eliciting fiscal support for the Council's programs and services from public and private agencies, and reporting to national and state legislative and educational agencies upon the imperative needs of the disadvantaged and upon progress achieved in cooperative improvement programs.

The control of the business and affairs of the National Council shall be vested in a Board of Directors whose number, election, procedures, officers, terms of office, and duties shall be set forth in the Bylaws. The primary responsibilities of the Board of Directors of the National Council shall be the determination, administration, supervision, and management of the program and services of the Council.

ARTICLE V—OFFICERS

The officers of the National Council shall be a President, a Vice President, a Recording Secretary, and a Board of Directors. Nominations, elections, terms of office, and duties of the officers of the Council shall be set forth in the Bylaws.

The President, Vice President, and Recording Secretary of the National Council may serve as ex officio, nonvoting members of the Board of Directors.

The officers of the Board of Directors shall be a Chairman, a Vice Chairman, and a Secretary-Treasurer. Nominations, elections, terms of office, and duties of the officers of the Board of Directors shall be set forth in the Bylaws.

The Board of Directors may employ an Executive Director, a Resources Coordinator, and such other full- and part-time line, staff, advisory, and consultative personnel as may be required in conducting the programs and providing the services for which public and private funds are made available to the National Council within the context of this Constitution and its Bylaws.

The Executive Director and the Resources Coordinator may serve as ex officio, nonvoting members of the Board of Directors.

The determination of employment policy and its practice shall rest with the Board of Directors.

ARTICLE VI—OFFICES

The National Council shall maintain a National office at Washington, D.C., and may maintain an office or offices in any state of the United States where meetings of the Board of Directors may be held and business transacted by the Directors, officers, and agents of the Council.

ARTICLE VII—MEETINGS OF THE NATIONAL COUNCIL AND THE BOARD OF DIRECTORS

The National Council shall hold an annual meeting. This meeting shall be held at the National Council Office or at a regularly scheduled location in Washington, D.C., on the second Friday of November unless otherwise scheduled by the Board of Directors but must be held at Washington, D.C., not later than November 30 each year. Special or emergency meetings of the Council may be called by the Board of Directors if in their judgment such meetings are desirable and feasible.

The Board of Directors shall hold a quarterly meeting on or before the 15th of January, April, July, and October each year. The Board of Directors may also meet in conjunction with the annual meeting of the National Council. Special or emergency meetings of the Board may be called by the Chairman of the Board if such meetings are desirable and feasible.

ARTICLE VIII—AMENDMENTS

The Constitution and Bylaws of the National Council may be amended by a two-thirds affirmative vote of the Board of Directors upon recommendation of a two-thirds affirmative vote of the Council members, voting in the annual meeting of the Council, provided that notice of proposed amendments is transmitted to the members of the Council and the Board of Directors ninety days prior to the annual meeting of the Council.

ARTICLE IX—DISSOLUTION

In the event that the National Council fulfills its responsibilities on educating the disadvantaged and the Board of Directors votes to conclude and terminate operation and upon dissolution of the corporation, the Board of Directors shall, after paying and making provision for the payment of all liabilities of the corporation, dispose of all assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious or scientific purposes, as shall at the time qualify as an exempt organization or organizations under Sec. 501-c-3 of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue Act, as the Board of Directors shall determine.

BYLAWS

ARTICLE I—NATIONAL COUNCIL MEMBERSHIP

Two-thirds of the members of the National Council shall be chief administrative officers or their proxies in the colleges or universities cooperating in National Council programs. One-third of the members of the National Council shall be selected by the Board of Directors and may be selected from positions other than chief school administrators. Selection of this one-third of the membership shall be by nomination of two members of the Board, or two ex officio members of the Board, and by the affirmative vote of a majority of a quorum of the Board, present and voting.

ARTICLE II—INTER-COUNCIL RELATIONSHIPS

The National Council shall be the depository for all public and private agency grants and gifts and for all gifts from individuals to the Districts, State, and Regional Councils. Subject to National Council budget authorizations for the District, State, and Regional Councils, the National Council shall defray the travel and per diem costs of the members who attend the meetings of these Councils and the incidental costs of holding these meetings.

The National Council shall maintain a fiscal service for the District, State, and Regional Councils. Funds sought and secured by these Councils shall be deposited in the Unified Budget of the National Council. Subject to prior authorizations in this budget, the National Council shall reimburse the members of these Councils for travel and per diem costs incident to their voluntary services to these Councils and to the National Council.

The National Council shall enter into agreements to provide programs and services to the Local Councils. The Local Councils will contract with the National Council to provide nonacademic programs and services and with cooperating colleges and universities to provide academic programs and services. The Local Councils will secure gifts and grants from public and private funding agencies. From these funds the Local Council will reimburse the National Council and the operating colleges and universities for their cooperative programs and services.

ARTICLE III—BOARD OF DIRECTORS

Number.—There shall be nine members on the Board of Directors of the National Council. Three members shall be elected at the annual meeting each year.

Election.—Nominations to fill expiring terms on the Board of Directors shall be made by a nominating committee of three members of the National Council which shall be appointed by the President of the Council at each annual meeting to make nominations at the next annual meeting. Members of the Council may offer additional nominations through the Recording Secretary of the Council who should be notified not later than thirty days prior to the annual meeting that additional nominations are being made. The nominating committee shall make its report through the Recording Secretary to the members of the National Council ninety days prior to the annual meeting. The Record Secretary shall transmit the nominating committee's slate to the members of the Council not later than eleven weeks prior to the annual meeting and the members' additional nominations, if any, not later than three weeks prior to the annual meeting.

The three members of the Council, thus nominated, who receive the highest affirmative vote of a quorum of members, present and voting, shall be elected to membership on the Board of Directors.

The regular term of office on the Board of Directors is three years. A member of the Council shall be eligible to be on the Board of Directors for nine consecutive years but thereafter shall be ineligible for Board membership for one year.

Procedures.—The procedures to be followed by the Board of Directors in conducting the business of the Council and the Board shall be recommended to the Board by the Board officers and approved by a majority of members of the Board.

Officers.—The officers of the Board of Directors shall be a Chairman, a Vice Chairman, and a Secretary-Treasurer. The Board of Directors may employ an Executive Director, a Resources Coordinator, and other full- and part-time line, staff, advisory, and consultative personnel.

Election of officers.—The Chairman, Vice Chairman, and Secretary-Treasurer of the Board will be elected by the Board by open nomination and majority vote for one-year terms of office. The officers shall be elected at the April meeting of the Board. The officers of the Board shall be eligible for re-election.

Line and staff personnel.—The Board of Directors shall negotiate contractual arrangements and agreements for the employment of line and staff personnel. The Board of Directors will select and employ the Executive Director on an annual contract basis. All other line employees of the Board of Directors shall be elected by the Board upon nomination of the Executive Director. Authority to appoint staff employees shall be delegated by the Board to the Executive Director, dependent upon prior program approval, budget authorizations, and appropriation of funds by the Board of Directors; when programs are approved, authorized, and funded, the Executive Director shall appoint staff personnel upon recommendation of the responsible line officer. Employment of line personnel may be terminated by the Board upon recommendation of the Executive Director. It shall be within the discretion of the Executive Director to terminate the employment of staff personnel upon the recommendation of the line officer to whom they report.

Duties of board officers.—The Chairman of the Board shall preside over the meetings of the Board, shall appoint such committees as the Board may direct, shall maintain the fiscal integrity of the Board, shall make an annual report to the National Council on the stewardship of the Board, and shall join with the Vice Chairman of the Board, the President of the Council, and the Vice President of the Council in representing the programs and services of the National Council to the national education community.

The Vice Chairman of the Board shall assist the Chairman in the performance of his duties as he may request, and in the absence of the Chairman, shall perform the duties of the Chairman during the interim of absence.

The Secretary-Treasurer shall keep the official records of the proceedings and actions of the Board, shall serve as a member of the Board's budget committee, and shall receive, deposit, and disburse the funds of the Board as the Board may direct.

The duties of the Executive Director, the Resources Coordinator, and other line and staff personnel shall be set forth in job descriptions as authorized and approved by the Board of Directors.

ARTICLE IV—NATIONAL COUNCIL OFFICERS

Nomination.—Nominations to the offices of President, Vice President, and Recording of the National Council shall be open and made from the floor at the annual meeting of the Council.

Election.—The officers of the National Council shall be elected by a majority affirmative vote of a quorum of members, present and voting, at the annual meeting of the Council.

Terms of office.—The President, Vice President, and Recording Secretary of the National Council shall be elected for terms of one year. The President and Vice President shall be eligible for re-election for one term. The Recording Secretary shall be eligible for re-election. The Board of Directors' terms of office shall be three years, with eligibility for nine consecutive years in office on the Board.

Duties.—The duties of the officers shall be to implement, expedite, and assist the National Council in carrying out its primary responsibilities as stated in the Constitution of the National Council.

ARTICLE V—QUORUM

A majority of the members of the Board, registered, present, and voting at the annual meeting shall constitute a quorum of the Council.

A majority of the members of the Board of Directors shall constitute a quorum of the Board.

ARTICLE VI—CONSISTENCY WITH ARTICLES OF INCORPORATION

The Board of Directors shall abide by the provisions of the Articles of Incorporation of the National Council in its adoption of a Constitution, Bylaws, programs and services.

STATEMENT OF ARTHUR FREDERICKS, PRESIDENT, TROTTER'S PARENT ASSOCIATION, DORCHESTER, MASS.

Mr. FREDERICKS. Good morning, Mr. Chairman.

My name is Arthur Fredericks. I am the president of the Trotter's Parent Association and I will act as a moderator from the table for the speakers who will come before you and the members of the committee.

I would like to thank you and the members of the Committee on Education and Labor for your efforts and for hearing what we have to say this morning.

At this time, Mr. Chairman, I introduce to you and to the committee Miss Grace Whittaker, department of title I programs, Boston, Mass.

Chairman PERKINS. Miss Whittaker, proceed in any manner that you prefer. We are delighted to have you here.

STATEMENTS OF MISS GRACE WHITTAKER, DEPARTMENT OF TITLE I PROGRAMS, BOSTON, MASS., AND STEVEN McKINNEY, EDUCATIONAL PLANNING CENTER, BOSTON PUBLIC SCHOOLS

Miss WHITTAKER. Good morning, Mr. Perkins and members of the committee.

I am Grace R. Whittaker, director of the Model Demonstration Subsystem, a program funded by Boston and by title I of the Elementary and Secondary Education Act.

Although in the early days title I seemed designed to support compensatory programs of a rather traditional nature, nothing stated in the wording of ESEA as approved by Congress in 1965 seemed to discourage imaginative or innovative approaches to the education of poor or educationally disadvantaged youngsters.

Boston submitted a proposal at that time for the use of title I funds concentrating on two major areas of emphasis: (1) a broad program of compensatory services for the majority of elementary schools in the area and (2) an innovative model demonstration subsystem, kindergarten through grade 12, which would function as an urban laboratory for the exploration of new curriculum, teaching techniques, testing of promising programs, and the eventual dissemination of successful practices to other interested city schools.

The experimental subsystem program was approved by the State without reservation.

For the past 6 years we have worked to develop the model, pioneering in the use of teacher aides from the community, open classrooms, non-grading, parental involvement, volunteer staffing, and a flexible campus for the high school program as part of an innovative approach to urban education.

The subsystem has been located in the innercity and has moved steadily toward voluntary desegregation in the three schools involved.

Now, after 6 years of progress, attested to by waiting lists of youngsters, both black and white, who desire entrance to the subsystem schools, the title I office was notified in June that modifications were to be made in the program to assure full compliance with Federal regulations that mandate service only to identified title I children residing in targeted areas.

In effect the education process will serve to resegregate youngsters within the schools and in so doing will destroy the fabric of a successful multi-racial, multi-ethnic and socio-economic mix of students.

Final written word on the change was received on August 2, 1972, from the HEW office when staff was on vacation. However, some members were hastily recalled. We wrote a project application to fund the program so that the three schools could open quietly in September.

It should be clearly pointed out, however, that the majority of staff, parents and students were unaware of the changes until they returned to school. Their reaction has been reflected in the messages that have been sent to Federal and State authorities and accounts for our presence here.

My concern as the administrator of the program is that the achievements of the past 5 years not be lost. We have had a stable, experienced and integrated staff with a very small turnover for an innercity program.

These teachers and aides have volunteered for the program because it was an alternative to a compensatory program. The parents and staff have worked hard to desegregate these schools and to develop a program that offers opportunities for learning in a widely representative social environment.

I think the former commissioner of education, Mr. Harold Howe, has expressed the idea that the subsystem is built on, "that schools transmit a climate of expectation and self-esteem to students through their enrollment mix and institutional traditions."

I fear that our effort to create a school environment that encourages teacher creativity and student commitment for learning in an integrated situation will be lost if white parents withdraw from these schools because they perceive that the Federal funds that helped to make a rich program are not being offered to their children.

I call your attention also to a statement of the 1972 annual report of the National Advisory Council on Education of Disadvantaged Children: "If in only a few instances title I children are resegregated for any length of time, the whole purpose behind a school district's desegregation effort is in jeopardy."

Therefore, we urge strongly that this committee consider one of the following actions:

1. Restore the Model Demonstration Subsystem program to its original concept and funding.
2. Amend the regulations which now restrict the unitwide funding so that selective, proven experimental programs can be funded under title I of the Elementary and Secondary Education Act.
3. Allow the title I office to fund the Model Demonstration Subsystem as it existed last year until other funds can be provided.
4. Recommend that the discretionary funds available to the commissioner of education under the provisions of title I, ESEA, be allowed to fund the Model Demonstration Subsystem until other funds become available.
5. Fund the Model Demonstration Subsystem under provisions of the Emergency Education Act which seeks to "reduce minority isolation."

I have put into your folders a report on the desegregation effort of the Model Demonstration Subsystem.

(Report referred to follows:)

MODEL DEMONSTRATION SUBSYSTEM—DESEGREGATION REPORT

	1966	1967	1968	1969	1970	1971	1972
Early childhood and elementary:[1]							
White	4	5	6	317	318	340	366
Nonwhite	184	193	195	446	401	409	417
Total	188	198	201	763	719	749	783
White (percent)	2.1	2.6	3.0	41	41	44	45.5
Middle school:							
White	7	4	2	6	24	50	101
Nonwhite	527	509	444	555	475	340	258
Total	534	513	446	561	499	390	359
White (percent)	1.3	.07	.04	1	5	14.7	28
High school:[2]							
White	[3] 1	[3] 2	89	55	118	176	241
Nonwhite	[3] 99	[3] 135	110	176	185	208	278
Total	100	137	199	231	303	384	519
White (percent)			44.7	31.2	38.9	45.8	46.4

[1] These programs were in the Boardman School until the opening of the Trotter School in 1969.

[2] The high school program began in the Lewis School, adding first grade a year, moved to Dorchester and in 1970 to its present location in Copley Square.

[3] Included in Lewis figures.

From 1966, when we began, to 1972, we have progressed in each school from 1 percent white students to a point where we have 45.5 percent in our elementary school, 28 percent in our middle school, and 46.4 percent in our high school.

I think that is rather remarkable achievement on a voluntary basis. Thank you very much.

Mr. **Fredericks**. Mr. Chairman, we also have seated at the table Mr. Steven McKinney of the Educational Planning Center, Boston Public Schools, who is representing the superintendent of the Boston schools.

Mr. **McKinney**. Mr. Chairman, I am here in an observer capacity for the superintendent of schools along with Miss Whittaker and if I can answer any of your questions, I would be happy to do that.

Mr. **Fredericks**. Thank you, Mr. Chairman.

We will now change and have the three parents come to the table and they will make their presentations.

Chairman **Perkins**. Wait just a moment.

Mrs. Hicks, do you have questions at this point?

Mrs. **Hicks**. Miss Whittaker, for the record, could you tell us exactly what type of funding you are getting for this program in Boston, what percentages you are getting from title I funding?

Miss **Whittaker**. We are roughly getting 17 to 18 percent of the total funding that comes into the city under title I, Mrs. Hicks.

Mrs. **Hicks**. Your problem is that the title I funding has been cut off with relation to the children that come from more affluent areas?

Miss **Whittaker**. Yes. We must this year respond to the strictness of the Federal regulations by identifying our title I children and providing the services directly to them. Previous to this we were able to service all children in the school.

Mrs. **Hicks**. What is the pupil ratio in total expenditure in this system?

Miss WHITTAKER. Title I provides about $500 above citywide effort.

Mrs. HICKS. With the lack of title I funding, what impact does this have on each class in the school?

Miss WHITTAKER. For example, the aide, who is a community person and has provided input into the community itself, no longer can service an entire classroom. We have built our program on the idea that a teacher and an aide, one indeed being the professional and one being a semiprofessional working together in the classroom, provide more individualized attention to all of the children.

Now this aide must direct her services solely to the identified children. That from the point of view of the total classroom breaks the fabric of what we have been doing.

Mrs. HICKS. Won't this also segregate children right within your classroom?

Miss WHITTAKER. Yes, it would.

Mrs. HICKS. I am certain this isn't the purpose of the title I funding and I certainly hope that all OE people will make note of this. Thank you very much for your testimony.

Chairman PERKINS. Mrs. Chisholm?

Mrs. CHISHOLM. No questions at this point.

Chairman PERKINS. How long have you had this problem, Miss Whittaker?

Miss WHITTAKER. This problem that we are talking about now, the identification has only occurred since we were first notified June 20 by the Massachusetts State Department of Education that modifications would be likely to occur.

We met with Federal authorities on the following weekend at Lake Placid, N.Y., and we came back, gave notification to the administrators of the three schools and parents, wrote a letter to Washington, and received confirmation that we must indeed make these modifications on the 2d of August of this year.

(The letters referred to follow:)

JULY 5, 1972.

Mr. JOHN STAEHLE,
Assistant Director, Division of Compensatory Education, Bureau of Elementary Secondary Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. STAEHLE: In recent discussions with state and federal Title I administrators, the Boston Title I office was informed of several matters that would affect the 1972–1973 Title I project applications of the Boston Public Schools. These topics include the following:

A. Latest available statistics (1972 AFDC cases in Boston) must be used to determine eligible target schools for the 1972–1973 school year projects.

B. The percentage of AFDC cases in Title I secondary schools must be above the city-wide average for all junior and senior high schools in the city.

C. It may be in order to modify the Model Demonstration Subsystem project, Boston's urban education laboratory for developing curriculum and disseminating successful practices to other Title I schools.

In response to the matters discussed, please allow me to express the position of this office:

A. My staff has already modified pending applications to incorporate the latest AFDC data. It is only natural that changes at this time may well be unsettling to the individuals affected: Boston School Committee, school administrators, parents, teachers, community aides, etc. In order that everyone may understand that these changes are not arbitrary but rather in conformity with federal policy, I urgently request a statement from your office endorsing this action.

B. Available data indicate that the three Title I secondary schools are well above the city-wide AFDC percentage.

C. For the past six years, the Model Demonstration Subsystem has been an approved Title I funded project.

When the Elementary and Secondary Education Act was approved by Congress in April, 1965, it offered the possibility of federal funding for an extensive model curriculum development program. Although Title I seemed designed to support compensatory services of a rather traditional nature, nothing stated or even implicit in its wording discouraged imaginative approaches to urban problems. Indeed, when the Boston Title I team presented to the Office of Education a proposal to include within its project the means of exploring non-traditional techniques to reach the educationally disadvantaged child, the federal authorities enthusiastically encouraged them to proceed. Thus was born the Model Demonstration Subsystem.

The Office of Program Development, Boston Public Schools, because of the foregoing considerations, submitted a proposal for the use of Title I funds concentrating on two major areas of emphasis: (1) a broad program of compensatory services for the majority of elementary schools in the target areas; and (2) a model-demonstration-subsystem at four education levels; early childhood, elementary, junior high, and high school, which would serve as a centralized location for developing and disseminating approaches especially designed to meet the needs of urban disadvantaged children. Roughly, three-fourths of the funds requested were to be spent in the broad compensatory program; the remaining one-fourth was to be spent on the subsystem program. Except for a reduction in subsystem funding to provide for a work-study program, this general ratio has been maintained in annual applications over the past six years.

During this period the Model Demonstration Subsystem has become an urban laboratory which initiates, examines, implements, and incorporates successful practices in methods, materials, and techniques in its designated schools and disseminates to other schools. Each year has seen an increase in its disseminative impact on other Title I schools.

Parental involvement has been developed to a point where there is highly enthusiastic support for the program. With the able assistance of parents, two of the three subsystem schools have become fully integrated. The original conception of the subsystem was that of a program that moved toward racial integration as fundamental to a program of quality education. Emphasis was placed on a total school approach in an effort *not* to segregate further disadvantaged children but rather to encourage them to enter fully into the learning activities of a multi-ethnic and multi-cultural school society. This comprehensive program would prepare them for more effective participation in the larger American democracy.

The effect of this school environment embodying a social-economic-achievement mix has been one of freeing children to explore innovative ways of reaching goals. One proof of subsystem success has been the record of three graduating classes of the high school component:

1970.—78%; 18 graduates; post-secondary education.
1971.—79%; 60 graduates; post-secondary education.
1972.—72%; 85 graduates; post-secondary education.

In 1968 a memorandum sent from Washington indicated a subsystem as one desirable way of improving compensatory programs and concentrating services. The memorandum, dated November 20, 1968, as ESEA Title I Program Guide #48 deals with the subject improving the quality of local Title I compensatory education programs. Two sections of that memorandum seem to support the subsystem approach.

(1) "It seems evident that Title I programs are more effective when: (a) Title I expenditures are concentrated rather than spread; (b) not just one, but a comprehensive group of services is provided to meet the needs of each of the educationally deprived children involved; (c) services are maintained over an extended period of time; (4) services are integrated into a total school program that includes new approaches to the education of the disadvantaged children." (Para. 1) The Model Demonstration Subsystem concentrates on 1600 children in the city.

(2) "Using this approach (Para. 3), an applicant could develop a model which would focus on (a) a 'subsystem' (e.g. a high school with its feeder junior high and elementary schools) with a program involving children from pre school through the high school level."

A further problem for the subsystem funding lies in the position of its elementary component, the Trotter School, in relation to other elementary schools on a priority listing with the 1972 AFDC figures. The Trotter is part of a separate project distinguished from the larger compensatory program, but it now comes below other schools which cannot be serviced by the compensatory program. Yet the Trotter, part of the separate Model Demonstration Subsystem, lies within the eligible area if funds were available for the schools preceding it.

Boston, as much as any other city, has struggled with problems of segregated school districts. The subsystem program has been the only successful example of voluntary integration in this city. White students are willingly bused into predominantly black areas daily, drawn initially by the extra benefits available because of Title I funds. The schools are a splendid model of how integration can work and benefit children and parents. A precipitous withdrawal of these funds would wipe out this program. It would set our hard-won social and educational progress back to the days of street marches and protests. There are awesome consequences here for the entire future of the city, the state and, indeed, the nation.

In light of the nation's struggles to provide all children with an equal opportunity for equality education, the subsystem's achievements deserve increased support as a model. Credit for its ability to achieve integration by offering quality education belongs to the magnificent cooperative efforts of parents, students, and staff. Because of the critical need to plan immediately for next year's program, may we expect from your office an early response to these pressing problems. All of us involved are anxious to meet with you, if you wish, at your convenience.

Very truly yours,
Approved.

DANIEL S. COUGHLIN,
Director, Title I Programs.
GRACE R. WHITTAKER,
Associate director, Model Demonstration Subsystem.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE.
OFFICE OF EDUCATION.
Washington, D.C. August 2, 1972.

Mrs. GRACE R. WHITTAKER,
Director in charge of Model Demonstration Subsystem, Boston Public Schools, Boston, Mass.

DEAR MRS. WHITTAKER: This is in response to your letter of July 5 requesting an early reply to questions relating to the Boston Model Demonstration Subsystem program. The language which you have referenced from our Program Guide #48 should not be construed as either to be inconsistent with the following position nor as allowing any relaxation of the requirements and limitations which are expressed in our comments.

1. A proposed "no skipping" amendment appeared in the Federal Register but has not been finalized. The proposal states that no attendance area containing a greater number or percentage of children from low-income families could be denied Title I funds if attendance area containing a lesser number or percentage of children from low-income families were granted Title I funds. The current Regulations permit the expenditure of Title I funds for any school attendance area meeing the requirements of CFR 116.17(d) despite the fact that other school attendance areas with greater numbers or percentage of children from low-income families are not funded. Therefore, with respect to Federal Regulations, the Trotter School may be served as long as it meets the districtwide average of children from low-income families. However, in accordance with policy established by the Massachusetts State Title I Coordinator, Mr. Robert Jeffrey, any skipping must be fully justified in the project application, and be specifically approved by the State.

2. Section 141(a) of the Act requires that local educational agencies may receive Title I grants for any fiscal year only upon application therefore. The application must conform with CFR 116.17(d) regarding the validation of eligible attendance areas. Thus, the most recent available data is to be used to validate school attendance areas for Fiscal Year 1973. For example, 1969 AFDC data are not to be used if 1972 AFDC data are available.

3. The Boston Model Demonstration subsystem, as outlined, poses certain inconsistencies with Federal Regulations which require modifications. Title I funds are to be used for projects designed specifically to meet the special educational needs of educationally deprived children residing in validated school attendance areas and may not be used for projects designated to meet the needs of schools or a student body at large in a school. These requirements are detailed

in CFR 45 Section 116.17(a), (f), and (g). Students bused into the subsystem must meet the same requirements as resident children to be eligible for Title I services; namely, they must be residents of validated school attendance areas and they must also be educationally deprived.

Imaginative approaches to urban problems are welcomed within the categorical nature of the Act and the parameters set forth in the Regulations.

I hope this is responsive to your inquiry. If I can be of further assistance, please let me know.

Sincerely yours,

JOHN F. STAEHLE,
Assistant Director for Policy and Procedures,
Division of Compensatory Education.

PARENTS ADVISORY COUNCIL,
Boston, Mass., August 20, 1972.

Hon. ELLIOT RICHARDSON,
Department of Health, Education, and Welfare,
Washington, D.C.

DEAR SIR: In the past week we have learned that the Office of Education is going to ruin a school system in Boston which has developed exciting innovations in inner city education, has been voluntarily racially balanced by white parents busing their children into a black neighborhood, is coping with the problems of urban education, and is the one glimmer of hope offered to children and parents in a system which has a reputation of being hidebound and doctrinaire.

We refer to the Model Demonstration Sub-system which includes 1500 pupils in three schools: Trotter Elementary and Lewis Middle, both in Roxbury and Copley High, in Copley Square.

The Sub-system program is partly funded by Title I funds under the Elementary and Secondary Education Act of 1965, as amended (ESEA). It has been since 1965. These funds have strengthened the schools' ability to devise experimental programs and to disseminate them in other city schools.

The Trotter is now three years in its present building (it used to be in a much smaller building serving far fewer children). It was the first school in Boston to be deliberately racially balanced. Many parents, black and white, worked hard just to get the school to open. One school committee member predicted it would fail because no white parent would bus his child into Roxbury. Hard work and many meetings finally put it together. The school is much stronger now, but it is still a relatively fragile structure.

As parents, we feel the school is vital today because of its education philosophy. It embodies the open classroom technique, encourages individual learning, maintains lines of communication with parents and the community, and has sought to meet the failures of the traditional authoritarian classroom methods by involving children and parents in education. The school also has a symbolic value in the city that may even transcend its importance as an urban laboratory.

So, it was with shock and incredulity that parents of the three schools learned last month that the state and federal Title I office wanted to dump this small, brave adventure.

Briefly, their argument is that the Sub-system violates the Title I Act section which requires funds to go solely and exclusively to "eligible children." (Eligible children must (1) live in target poverty areas, and (2) be educationally deprived.) At present, some funds are spent to educate both eligible and non-eligible children. Part of the experimental nature of the program is, after all, to mix children of various cultural, racial and ethnic origins and economic backgrounds and ages. That hasn't been done in Boston before but the Sub-system planners and parents who opted for the Sub-system believe such a mix can be educationally beneficial.

Suddenly, under the new diktat, the "eligibles" will be separated in order that no Title I funds go to educate their "non-eligible" classmates.

This new order will make the Sub-system similar to the classrooms set up in Boston under the Title I Enrichment program, a program that parents and staff of the Sub-system are ideologically opposed to.

The nut of the matter is this:

Drastic changes were ordered in the Sub-system in the Sub-system without warning and literally at the last minute. (Parents and staff at each school had long since worked out a curriculum and program for September.

As of June, the parents of some 1500 children were promised a certain kind of integrated, innovative program when they sent their children back to school in September. But that promise can't be kept under the new order.

Parents are not necessarily arguing about the strict legality of the Office of Education decision. But they are furious about the timing. They feel betrayed. They suspect treachery, someone out to sabotage the Sub-system for reasons that are despicable when you consider the future of our children is as stake.

We have discussed this matter at hastily-called meetings and with local and state officials. Our discussions have led to the possibility of only one solution.

We feel that in the name of simple justice that the Office of Education should waive its objections to the Sub-system for one year. That is, fund the same kind of program that was funded last year, and five years before that.

Because of the emergency nature of the situation we seek immediate ratification of the one-year waiver request.

And if indeed the Office does intend to scuttle the Sub-system program then the staff and parents should get enough warning so that they can try to salvage the significant sections of it. Without the waiver it appears nothing can be salvaged and the Sub-system will revert to another traditional Boston school situation.

Sincerely,

THELMA PETERS.
Acting Chairman, PAC.
RAY MURPHY.
Secretary, PAC.

SUMMARY OF MODEL DEMONSTRATION SUBSYSTEM FUNDING CRISIS PREPARED BY GRACE R. WHITTAKER, ASSOCIATE DIRECTOR, TITLE I PROGRAMS

This is an informational summary of events that occurred this summer that imperil the Model Demonstration Subsystem and its operation as a Title I project in the city.

On June 20, 1972, at a meeting with the Massachusetts Department of Education Title I administrators, the Boston department was informed that the United States Office of Education had mandated that:

1. The most recent and available data (1972) must be used to identify eligible Title I schools. In Boston this data refers to the number of recipients of Aid to Families with Dependent Children residing in school attendance areas

2. Modifications must be made in the Model Demonstration Subsystem project, which, for the past five years, has been serving *all* pupils in the three designated areas

On Sunday evening, June 25, 1972, four members of the Boston Public Schools' Title administration met with Massachusetts Title I officials and representatives of the United States Office of Education at Lake Placid, New York, to discuss the problem.

At this time the Federal Title I officials re-stated the position of the United States Office of Education regarding both identification of eligible attendance areas and reservations concerning the format of Title I services in subsystem schools.

On July 5, 1972, a meeting was held in the Boston Title office with parent representatives, staff members from the schools involved, school directors, and Title administrators. A draft of a letter to the Office of Education outlining the Boston situation was presented to the group, alterations suggested by the participants, and a final draft representing views of parents and staff approved for sending. This letter was sent to Dr. John Staehle at the Division of Compensary Education in Washington. The letter requested written clarification of the United States Office of Education position expressed at Lake Placid regarding prospective modifications of Boston's Title I projects for the school year 1972–1973.

On August 2, 1972, in response to the Boston letter of the July 5th meeting, the reply reaffirmed the position that the Office of Education could not change its position on the guidelines.

Immediately upon receipt of this decision the Boston Title I office made arrangements with the Massachusetts Title I administrators to meet for a discussion of the complex changes, particularly in the subsystem project. The meeting was held at the Massachusetts Department of Education, 182 Tremont Street, on Monday, August 7, 1972. Represented at this meeting were parents, staff, school administrators and Title I administrators.

In order to effect the modifications in the Model Demonstration Subsystem project, it was essential that staff be recalled from vacation to work on the changes. The Boston School Committee approved the names submitted, and work was begun on August 15, 1972.

Conferences were held by the Title I Office and staff members of the schools with the State Title I Office as the revised proposal was being prepared. The critical problem was to secure approval so that teachers and aides could be paid in September.

The Board of Superintendents approved the project and the Boston School Committee passed it on Wednesday, August 30, 1972. The proposal was then forwarded to the State Title I Office on August 30, 1972. Copies of the proposal were prepared for the Advisory Council meeting on August 31, 1972. On Wednesday, September 6, 1972, the State granted approval although parent action is yet to be determined.

Chairman PERKINS. Spell out in more detail just how you feel that we could be helpful insofar as Federal legislation is concerned.

Miss WHITTAKER. I think there are two ways possibly, Mr. Perkins. One is to amend title I, which I thought in its early days was assisting any integration efforts people were making, in such a way that programs of this sort which encourage a model type of program that attracts people in and provides a quality integrated education would be possible under title I funding without taking away from the fact that we want to aid particularly those children most in need of assistance. If that is not possible, indicate to us what other acts on the Federal level might be helpful to provide us the additional funding we need above cil. Brighton, Mass. and Mr. Ray Murphy, president, Copley Parents

Chairman PERKINS. Let me thank you very much and the people who are with you. You have been most helpful. We appreciate your apprearance here today.

Chairman PERKINS. Our next witnesses are a panel from Massachusetts, Mrs. Odessa Smith, president, Lewis Parents Association, Roxbury, Mass.; Mrs. Louise Bonar, president, Parent Advisory Council. Brighton, Mass. and Mr. Ray Murphy, president, Copley Parents Association, Dorchester, Mass.

Introduce the panel and proceed in any manner that you prefer.

Mr. FREDERICKS. Thank you very much, Mr. Chairman.

I would like to introduce to you, Mr. Chairman and members of the committee, Mrs. Louise Bonar, president of the Parent Advisory Council.

STATEMENTS OF MRS. ODESSA SMITH, PRESIDENT, LEWIS PARENTS ASSOCIATION, ROXBURY, MASS.; MRS. LOUISE BONAR, PRESIDENT, PARENT ADVISORY COUNCIL, BRIGHTON, MASS.; AND RAY MURPHY, PRESIDENT, COPLEY PARENTS ASSOCIATION, DORCHESTER, MASS. SITTING AS A PANEL

Mrs. BONAR. Mr. Chairman and members of the committee, the Model Demonstration Subsystem is the only successful effort in the city of Boston to racially balance public schools.

A racial census of Boston schools was taken in 1965, the first year of the State's pioneer Racial Imbalance Act. This census showed 46 imbalanced schools. Today there are 67 imbalanced schools. This Racial Imbalance Act was passed after a report from State educational and religious leaders determined that de facto segregation in the schools was educationally harmful to minority group children.

The Model Demonstration Subsystem, which is kindergarten to grade 12, was started in its present form in 1969. It was designed to be an experimental and innovative program with the help of title I funds.

The system was to be racially balanced, half black and half white. Its developers were convinced that the program would prove to be so demonstrably better than existing schools that the city of Boston would eventually use the subsystem as a model for all other city schools.

Besides deliberate racial and economic balancing the subsystem also included other innovations:

An open classroom method where children would be given greater individual attention in their approach to their own interest level.

Parent participation in many areas such as curriculum, teacher selection, and summer workshops.

Parents were also to be invited into the classrooms to help out and an open door policy for all parents in subsystem schools was instituted.

There was a lower pupil-teacher ratio, approximately 15 pupils to one teacher.

Teacher aides were to be drawn from the community.

There was to be constant evaluation and improvement of the program by curricula design specialists.

Dissemination of the program into other schools by teachers in the subsystem cooperating with teachers in other schools, both during the school year and during summer workshops.

Crucial to the success of the subsystem was the enthusiastic participation of both black and white parents, and other members of the panel will discuss this for you.

Thank you.

Mr. **Fredericks**. Mr. Chairman, at this time I would like to introduce to you and other members of the Committee on Labor and Education, Mrs. Odessa Smith, president, Lewis Parents Association. Mrs. Smith?

Mrs. **Smith**. Thank you.

Mr. Perkins and the rest of the committee, I am Odessa Smith, the past president of the Lewis Middle School Parents Association of the Model Demonstration Subsystem.

The role of black parents in the subsystem schools, both for those parents in the school and those outside, has been sensitive and difficult. The subsystem's elementary school, the William Monroe Trotter School, was built in 1969. It was the first new school to be built in a black area of Roxbury in more than 30 years. Black parents in the neighborhood were eager to get their children away from the dark, gloomy, decrepit buildings they attended.

Then in the spring of 1969 black parents were told that half of the seats in the new school would be given over to white students including some pupils from suburban towns.

This created resentment which was intensified when the school department changed the black district lines at the last minute. But the black parents who had participated in the very first experimental classes rallied to the cause. They convinced other black parents in the neighborhood that the new black and white student body in the school would ultimately benefit them and also advance the cause of quality education.

It also indicates that people, no matter what their color, will come from far and near for a good education.

It was a difficult package to sell because black parents had been embroiled in controversy with the Boston school committee and school department for the last 10 years over the issues of quality education and de facto segregation.

Black parents were asked to give up half of a beautiful building they had fought for in order to benefit white parents. But they agreed because of the principles involved and because of the feelings that all black schools are educationally harmful.

They did attach some reservations. They promised to keep an eye on the school's progress and make sure that it did indeed work.

So the vast majority of black parents in the district have stayed neutral and waited.

On another occasion, in the middle school, I was one of a group of black parents who went around to other black parents with children supposed to go into that building to convince them to send their children into other regular schools.

They agreed to do this and to sacrifice so that the subsystem could have exclusive rights to the building and to give the Model Demonstration Subsystem a chance to improve the rest of the Boston school system.

Even though some of these children live just across the street from the building, I was asking them to ignore the Lewis Middle School as their neighborhood school.

As a black woman and a mother, it was one of the most difficult things I have ever had to do but I did it because I believed in the program as it was set up, and its ultimate purpose at that time.

I believed it would benefit all of us, black and white, in the long run. I also believed that an integrated school would work if it supplied quality education.

The new guidelines however will destroy much of what is valuable in the schools and provide a program that is similar to the enrichment model now administered in other title I schools.

Yet, the model has already been found deficient. I am afraid that the new guidelines will alter the way the black parents see the school and create tensions that will destroy the subsystem as a viable integrated educational laboratory.

This will also destroy one of the most important gains of the subsystem, the cooperation of black and white parents working together when they know that quality education to all will result.

The parents have also gotten together and come up with some suggestions of possible ways of resolving some of these problems. We strongly urge then that this committee restore the model demonstration subsystem program to its original concept funding, for example, planning time, summer workshops, after school and not all just for enrichment.

We suggest selected model experimental programs be funded under title I of the Elementary and Secondary Act amending the guidelines which now restrict such unitwide funding.

We propose that those model systems are aimed at ameliorating social and educational crises, such crises to include minority isolation.

Please allow the title I office to fund the Model Demonstration Subsystem program as it existed last year until other funding can be provided.

We urge the discretionary funds available to the commissioner of education under the provisions of title I, ESEA, be allowed to fund the Model Demonstration Subsystem until other funds become available, approximately $1,015,000.

Especially we feel that the Model Demonstration Subsystem should be funded under provisions of the Emergency Education Act which now seeks to reduce minority isolation. We respectfully ask that the Model Demonstration Subsystem be funded as an innovative educational system mandating parental involvement and that provisions be made to mandate the system as a model and provide for this dissemination into other schools in the city which request it.

Thank you.

Mr. **Fredericks.** Mr. Chairman and members of the committee, the next speaker will be Mr. Ray Murphy, president of the Copley Parents Association.

Mr. **Murphy.** I would like to address myself to the role of white parents in the system.

White parents were recruited by the city in the spring of 1969 when children from all over brought home a pamphlet describing the new elementary schools in the program. One of the pamphlets is in your folder.

The elementary school needed 350 white children for racial balance with preference to be given to parents in the city and second preference to go to parents from surrounding towns in case there were too few parents from the city who wanted to enroll their children as indeed proved to be the case.

During the summer the schools had difficulty in drawing boundary lines and confusion threatened to wipe out the school before it got started.

There was a series of meetings, including black and white parents, and a mass meeting finally settled differences and trouble was averted.

On the first day of school, September 1969, there were warnings of violence broadcast on the radio and television. Extra police were sent out to the school, as these were the first buses to transport white students into a black neighborhood in the city.

As pupils got off the bus, they were greeted by black women who shouted at the children. Things, however, quickly quieted down and I have since been actively involved in the school in one or more elective capacities.

On other occasions white parents have fought to provide racial balance and have had scores of meetings, with parents pushing against inertia of school bureaucracy, but the parents all volunteered, motivated by a belief in the program and conviction that racially balanced education was beneficial.

It would be unrealistic to suppose, however, that the program could survive solely because it is balanced. Parents would not be willing to send their children up to an hour on the bus into another neighborhood to a school which offered the same program as one in their own neighborhood.

Most of the parents in the school are convinced the subsystem schools offer vastly better education as in fact they do or at least they did under the program which was snatched away so dramatically this summer by the Office of Education.

The new guidelines effectively eliminated many advantages which white parents found so attractive.

On the elementary level these include field trips, aides, extra equipment, extra teachers, and parental involvement in their own child's development.

Parents have learned the new guidelines will restore a tracking system which parents dislike and will tend to encourage racial and economic segregation.

Further, parent leadership in the schools will drop off, white parents fearing their children will get no benefit from the programs.

Parents close to me, who have worked countless hours, have told me they are ready to throw in the towel if the new guidelines are enforced.

Parent leaders have advised the rank and file parents to sit tight and explore all avenues. But judging from their reaction, I feel safe in predicting the destruction of the subsystem as we know it and replacement of all black schools at elementary and middle school levels.

I associate myself with the recommedations that were made earlier by Mrs. Smith as to possible courses of action that we would ask this committee to take.

Mr. **Fredericks.** Mr. Chairman, on this panel you have heard a black parent and a white parent and the president of the Parent Advisory Council say that they are working together for the benefit of their children to solve the problem and to give their children a quality education, that they have come together willingly, they are working together mutually and here we have a situation where this harmonious relationship could very well be destroyed by Federal guidelines, which is our purpose for being here, to request that these guidelines be changed.

Mr. **Scheuer.** Mrs. Chisholm?

Mrs. **Chisholm.** To me it is a pretty sad day that your panel had to come all the way from Boston, Mass., to bring to the attention of the Education Committee the problems that confront you currently.

I think it is a sad day. I think it is particularly sad because of the mass confusion and confrontations that we have been having in the educational system today, that when we have finally found a system where black and whites can work together harmoniously for the betterment of their children, not only in terms of education but in terms of social learning experiences, that the necessary funds to carry on a successful situation as evidenced by the testimony offered here today might well be cut off.

It seems to me, and I speak as a member of the committee and I am sure that other members on the committee will agree with me, that any kind of progressive measures that can be made in this country today in terms of quality integrated equal educational opportunities for all children must be saved at all costs and there are three questions that I have in mind.

First of all, I direct one question to Mrs. Smith.

Would you say at this particular moment and to the best of your knowledge that the majority of black parents involved in this situation agree that there are very real positive factors in such a situation and that it should be continued via the educational process?

Mrs. SMITH. Yes, I can say this definitely because for one thing, our last election, I mean several meetings ago, we had a vote to come up because we were having 200 black students graduate from the eighth grade into the high school and only the William Trotter School for reasons. There was a small fifth grade coming in, so that meant we had to begin to involve selecting white children to come in so we could integrate it because the Lewis School was the only one in the very beginning that was almost totally black.

It was an almost unanimous vote that we would go and look for white children to come into the schools.

I feel that was really a vote of confidence.

Mrs. CHISHOLM. Secondly, I would like to find out what is the total reaction of the white parents involved in this particular situation as you currently know it, Mrs. Bonar.

Mrs. BONAR. I live in Brighton and the bus ride is an hour to get into school. I put my children on the bus and they get on it gladly.

My reasons for having them ride an hour bypassing their local schools is because I live in an all-white neighborhood, unfortunately, I feel. I am firmly convinced when my children grow up it is going to be a multiethnic, multiracial world and I want to prepare them to see all people as people basically and I don't feel in going to an all-white school this will be possible. I regard this as an authentic opportunity to broaden their horizons because as they play together as children there are no barriers.

In my own case it was different and as an adult I had barriers to overcome. To me this is a very significant part of their learning.

Mrs. CHISHOLM. My last question I want to address to Mr. Murphy.

Would you say that if this program were not refunded, that in terms of the tremendous polarizations that have occurred in the Boston school system with white parents and black parents at each others throats and the fact that although it was very painful they have learned to work together and finally have come up with something that evidently is quite successful, would you see a kind of turning back of the clock in terms of these polarizations surfacing themselves once again in the Boston area?

Mr. MURPHY. Yes, and one of the reasons that I spent just a tremendous amount of time on the whole thing is that the school is to be a model and this is to show it is working. It is a very brave and very fragile experiment. If it does work then we can disseminate it.

Part of the cutoff of the funds is elimination of the dissemination funds. Other schools have been coming in and asking us how do you get it, how do you get a quality education in an integrated situation. They have been eager to learn and we have had favorable comments all down the line and it is a growing kind of thing. If we can preserve it for just 3 more years, I think the whole idea will spread and it will turn everything around.

Mrs. CHISHOLM. Thank you very much.

Mr. SCHEUER. Thank you very much.

Mr. FREDERICKS. Now, we will have the last panel.

Mr. Chairman, before I introduce the first speaker for this panel, I would like to bring to your attention and to the members of the committee, that it wasn't too many years ago, and I am quite sure that the Congresswoman, Mrs. Chisholm, can remember when we were going by the Rayburn Building singing "Black and White Together."

Here we are today inside the building saying, "black and white together," and yet there is a guideline that might say that black and white may not be together.

I would like to introduce Mr. Henry Robinson, who is the executive vice president of the Boston Teachers Union, and Mr. Robinson will introduce the three teachers that he has with him.

Mr. SCHEUER. I think, to be scrupulously accurate, what the guidelines referred to is not that black and white should not be together, but that the Federal funds aren't going to be provided to help them get together if the whites come from middle class neighborhoods.

I think that ought to be clarified for the record. I think we all feel strongly that is a bad limitation on the use of the Federal funds and ill advised, but I don't think it is fair to say that the administration is saying that black and white kids can't come together.

They are just not going to help them come together in what we think is a very constructive and positive environment for learning to live together.

Mr. FREDERICKS. We appreciate the clarification. Thank you.

STATEMENTS OF HENRY ROBINSON, EX-VICE PRESIDENT, BOSTON TEACHERS UNION; MS. FAYE M. EDWARDS, TEACHER, COPLEY SQUARE; MS. DOREEN KELLY, DORCHESTER, MASS.; AND JOHN HOWLEY, QUINCY, MASS.

Mr. ROBINSON. I am Henry Robinson, executive vice president for the Boston Teachers Union. I would, before introducing my colleagues, like to make a brief statement for the record.

The Boston Teachers Union would like to go on record to support the prior concept of the model demonstration subsystem. Because of the different interpretation of title I guidelines by the Federal Government, the union feels that the following conditions may be brought about.

No. 1, desegregated schools may become segregated schools because children may transfer back to their neighborhood schools. These children who may transfer are in fact being segregated within the school itself. These segregated children are the nontarget children who will not be allowed to participate in the federally funded program because of the interpretation of title I guidelines.

At the present time, Boston is being sued by HEW who maintains that Boston is running a dual school system, one for blacks and one for whites. The point to be made here is on the one hand HEW is saying we must desegregate our schools and at the same time it is causing segregation by making a stricter interpretation of the present title I guidelines. Experienced teachers who are attracted to the program may transfer. Experienced teachers when the program was made available transferred to these schools because of the extra after school time they were allowed and also because they wanted to teach innovative programs.

Some possible remedies may be to keep funding the program under the present title I guidelines, having a looser interpretation of the guidelines, or there may be some way in which the model demonstration subsystem could be funded under title VII for voluntary desegregation of schools.

If this be the case, since the subsystem is now being funded under title I, it is my understanding that the U.S. Commissioner of Education has under his jurisdiction funds which can be used when a subsystem transfers from one Federal title to another.

In order to give you a better picture of what happened and what may happen in the schools because of stricter interpretation of title I guidelines, teachers from these schools will testify in the following order:

To my immediate left, Ms. Doreen Kelly from Trotter Elementary School. To my far left, Mr. John Howley from the middle school and between us Ms. Faye Edwards.

Ms. KELLY. Mr. Chairman and members of the committee on Education and Labor, the Trotter Elementary School is a part——

Mr. SCHEUER. May I suggest that if you have prepared statements, we will place them in the record in their entirety. So you might wish to chat informally. Just talk to us rather than reading your statements if you like. I think it would be briefer and I think it would be more interesting and stimulating for all concerned.

You are perfectly free to read your statements if you prefer but they will be printed in their entirety in the record.

Ms. KELLY. A copy of this has been placed in everyone's file. I would prefer to read it.

Mr. SCHEUER. Then by all means read it.

Ms. KELLY. The Trotter Elementary School as a part of the model demonstration subsystem in Boston has attracted thousands of visitors in 47 states and 15 foreign countries. The success of the program has received television coverage and has been reported in newspapers and educational publications across the country.

Recently, the audiovisual program has been the recipient of the regional award for media presented by the Association of Communication and Technology by the Encyclopedia Britannica.

Techniques and ideas developed and tested at Trotter have been disseminated by means of summer work shops, in service programs and teacher training for colleges and universities in the greater Boston area.

The nontraditional approach to education at the Trotter has influenced teachers to leave schools across the city to become part of a school where creativity and flexibility are encouraged. Each classroom, therefore, varies in outward appearance operation. Genuinely, classrooms are selfcontained, nongraded, homogeneously grouped both in age and achievement levels.

Each classroom has a teaching team of one teacher, one aide, and for part of the year a student-teacher. Other coordinators and specialists are integrated into the program either by scheduling or teacher invitation.

Despite organizational differences, teachers in the program strive to conduct relaxed but challenging classrooms, but allow for a high degree of individualization and child initiative which is coupled with responsibility.

The Trotter School offers to parents and pupils an educational environment where free exploration is encouraged and where the pupil determines his own rate of learning.

This setting is a real alternative to the typical city educational curriculum. Participants have felt so strongly about opportunity at Trotter that they have voluntarily bused their children from all over the city.

These voluntary actions have resulted in a racially balanced learning situation. Teachers are concerned about the effects strict interpretation of the title I guidelines will have upon the subsystem.

Administration and teachers have drafted a proposal that we feel will comply with the guidelines in a manner that will be least detrimental to our program. However, even by following the new proposal, we feel that compliance with the regulation will, first of all, negate our racially balanced situation and serve to educationally and socially segregate pupils.

Number two, serve to weaken the program by abolishing after school time that was used for planning, crossgrade conferences, minicourses, developing new programs, and countless other ways.

Third, reburden the teacher with time consuming recordkeeping, collections and clerical duties that have been assumed by aides.

Fourth, seriously hamper and restrict flexibility within the classroom that allows for crossgrade and crosslevel poor teaching.

If it is permissible, I have a statement from the aides of the Trotter School that they would like me to read into the record.

We, the aides at Trotter School, are interested in working with our teachers as a team for the explicit benefit of all children. We ask that the school be allowed to function with its original programs and concepts.

Adhering to the enforcement of title I laws will disrupt a smooth running program and revert back to segregated teaching in the classroom, producing a negative feeling among students themselves.

In the past, we felt no one was neglected as far as special teacher needs were concerned, but under this new system children will be denied the advantages of professional skills we have gained in the past as neighborhood aides.

We want to cooperate, but we see problems ahead for this new program. Some of the duties we have performed which are not acceptable under title I allowed the teacher more time to utilize the professional skills in the classroom. This is important for the future of our educationally underprivileged children.

As a model demonstration school, we have proven that each teacher and each child needs an aide, and we ask that no aide be eliminated from the program.

Thank you.

Mr. ROBINSON. I would like to introduce Mr. John Howley from the Lewis Middle School.

Mr. HOWLEY. Thank you, Mr. Chairman and members of the committee. I will try and speak without reading the statement.

I think the thing that most teachers are concerned about in the Lewis School is the fact that we are not considered as an integrated whole staff.

In the past 5 years, the Lewis School staff has felt that we are a part of this innovative type of program. Now with these new guidelines, we have in effect two staffs within the school. One staff of teachers is labeled "City of Boston Teachers." These two staffs, who at one time and currently are working close together, are going to be discouraged from working closely together.

For example, planning time is allowed for title I teachers, after-school time for title I teachers to get together. Planning is not allowed for city of Boston teachers to get together.

In the last 5 years, I never made any distinction between a title I teacher and city of Boston teacher. To me all teachers were the same. If I wanted to plan a program with a group of teachers, I did not seek them out and ask if they were title I teachers or city of Boston teachers.

I felt we all had to work together. As far as I am concerned, these guidelines destroy an integrated whole which we have achieved and a spirit which we have achieved. Already there is some talk and dissension among members of the staff because they feel that when they were admitted to the program, they were considered teachers who had something special to offer, something innovative to offer. Now all of a sudden they are considered not to be of the innovative caliber because they are not labeled title I.

They are to go back to traditional city of Boston teachers. There is also going to be a great deal of resentment when we work together after school apart from these teachers. I happen to be a title I teacher, and I am not too crazy about the idea because it sets me apart from people whom I have worked closely with in the last 5 years.

I am a special breed of cat that must only concern myself with other title I teachers and title I functions divorced from the regular school program.

Title I guidelines do not make provisions for title I teachers to integrate their efforts to support the entire school program. They concentrate on narrow objectives.

In conclusion, all I can say is that this destroys what each of us came to the school for. We came to the school to work together and to plan the best we could and to work in a spirit of friendship and teamlike camaraderie. There is a great spirit and I see danger of its being destroyed under these new conditions.

Mr. SCHEUER. In the statement that was just read about school aides: "Some of the duties we perform which were not allowed under title I," and so forth, what are the duties that school aides can perform under the city regulations that they can't perform under title I regulations?

Mr. HOWLEY. All of the school aides are funded under title I so they can only concern themselves with title I job descriptions and duties.

For example, this means, say, that I am a title I teacher——

Mr. SCHEUER. This says "Some of the duties that we perform which are not acceptable under title I."

Mr. HOWLEY. They work in the classroom under the regular teacher and assist that teacher. Under the new proposal those aides can only work with title I teachers in small groups.

They come out of the classroom and give regular city of Boston teachers no assistance at all.

Ms. **Kelly.** Maybe I can clarify a little bit further. I can tell you how it will affect things at Trotter School. In the past each teacher had an aide assigned to her and within the classroom I mentioned some of the duties that the aides would have, for example, milk money collections, all of these regular type things, notices that are sent home, all of these collections, book work for the entire class, attendance, and that type of clerical work that she has done in the past for the whole class.

Now, we understand she cannot do these things because that would be working with children who are not identified children and she must direct all of her efforts toward the identified children.

So therefore, she can no longer work with the class as a whole. This also would have to do with many of the aides who have particular areas they are very competent in and they may form groups within the city, such as photography and art. This may be one of their areas and in the past they may have taken a group from the class and done this type of activity with them.

Now, if she wanted to do this type of activity, it could only be done with title I identified children. So certain children would be excluded who in the past could have been helped.

Mr. **Howley.** Mr. Chairman, one other thing I would like to point out, in the Lewis School, the faculty estimates that at least 80 to 85 percent of the pupils attending that school need some type of additional help, and those 85 percent qualify under title I guidelines.

However, the guidelines tell us that we cannot service more than 50 percent of the children in the school. That means that even though a child qualifies for title I support, he will not get it if he scores above the lower 50 percent in the school.

Mr. **Scheuer.** Even though all of the kids come under the criteria of educationally disadvantaged kids?

Mr. **Howley.** That is right. In our school we have 400 students. We cannot service over 200 even though 350 could use it.

Mr. **Scheuer.** Suppose your school did not involve middle class students at all? Suppose it served exclusively a low income area?

Mr. **Howley.** It would not make any difference because the guidelines say if you service more than 50 percent, or a certain percentage, then you are diluting the program. They want concentrated services or no service at all.

Mrs. **Hicks.** Mr. Chairman.

Mr. **Scheuer.** Yes.

Mrs. **Hicks.** Under the racial imbalance law in Massachusetts if we have an all non-white school, we will then not receive funding, so not only is this model demonstration school giving quality integrated education, but it is meeting the demands of the racial imbalance law in Boston and is then going to help us in keeping State funding going through the rest of the system.

This is one of the moves by the school committee to show compliance with the racial imbalance law. So this is two fold in purpose, not only giving quality education in a demonstration situation but also meeting the demand of a State racial imbalance law.

Mr. Scheuer. Yes, I find the impact of these regulations disturbing. They appear to be counter productive to the goals that this committee has been working for in the eight years that we have had the Elementary and Secondary Act, since 1965.

Mrs. Hicks. That is true. That is why this testimony that is being given here today is almost revolutionary in the idea that we have on this committee appropriated funding and passed legislation to bring quality integrated education, and yet, the HEW guidelines are such that they are working against the integrated quality educational system.

Mr. Scheuer. They do appear to be working both against integration where a local community wants it and against quality education.

It seems strange and anomolous, in view of the clearly expressed congressional intent to provide Federal funding for programs within the schools that will provide educational excellence and a positive learning environment for the benefit of disadvantaged kids.

Mrs. Chisholm. Mr. Chairman, I would like to make a statement

Mr. Scheuer. Yes.

Mrs. Chisholm. This is indeed a very, very strange situation because I think we are not even thinking, indeed, about the overall ramifications in terms of an atmosphere that would continue to be conducive for learning.

How could you continue to have within the same school building an atmosphere where some teachers are known as title I teachers, city of Boston teachers and differences with respect to what children are to be taught? You create a kind of social ostracism right within the school that would not lend itself to an environment conducive to learning.

I think, Mr. Chairman, that we are going to have to look very carefully at interpretations of title I guidelines and at the same time make every possible effort to make sure that this experiment that has been going on in Boston continues. We need more experiments such as this where you have parents, teachers, groups from different schools working together. This is something that has not been happening. We need to encourage it.

I think that we really have to take a hard look at this. I want the record to specifically state that it is not the intention of Congress to create a kind of social ostracism within the school. We need to be cognizant of the differences which the staff has articulated so that an environment conducive to learning can be established for all of our children.

Mr. Robinson. We have one more speaker from the high schools, Ms. Faye Edwards.

Ms. Edwards. Mr. Chairman and members of the committee, the faculty of the Model Demonstration Subsystem High School feels strongly that we, working with the parents and the students, have developed a program which represents a successful alternative to traditional high school education.

Because of title I funding, we have been able in the past 5 years to offer to all students smaller classes and individualized instruction. We have offered ungraded minicourses of 8 weeks duration in the areas of English, social studies, and science.

We have been pioneers in an extern program in which students earn credit by working and learning outside of the school walls.

For example, we have had students involved in tutoring reading in elementary schools, in working with mentally retarded in day care centers, in working in businesses, Government agencies, and local universities. Last year, a group of students participated in an exchange program with the suburban community of Boxford, Mass., which was felt to be very successful by students in both communities. These programs have been made possible because afterhour pay provided time for planning, and because the extra staff funded by title I made experimentation possible.

The record of our school in terms of students from title I target areas who have remained with the program and graduated compares favorably, I believe, with other Boston high schools. I think that an especially significant indication of our success is the percentage of our graduates who have gone on to postsecondary education.

Of our first graduating class of 18, 78 percent went on to college, 79 percent of the 60 students in the class of 1971 went on to higher education, with scholarships amounting to $28,700, and last year, 72 percent of the 83 graduates went on with $65,000 in financial aid.

When we learned that strict compliance with title I guidelines would require that only identified title I students were to receive title I funds, and that title I teachers could be used exclusively for remediation and supplementary educational activities in the areas of reading, mathematics, and language arts, we were shocked and discouraged.

First, teachers were recruited into the Subsystem High School with the understanding that it is an integrated school in which teachers have the opportunity to work together on innovative curriculum. Innovative ideas would be disseminated to other high schools, thus improving education throughout the system.

The elimination of afterhours pay, as well as the limitations placed on the teaching activities of title I teachers have brought innovative planning almost to a halt. Teachers simply have no time to meet and work together. Dissemination of curricula to other schools has ceased. Restriction of title I teachers to the teaching of title I students has limited the number and variety of course offerings available to all students.

Much more dangerous, however, are the effects of tracking and resegregation implicit in compliance with the guidelines. We believe that the success of the program has been largely dependent on the mixture of students from diverse racial, economic and academic backgrounds in all classes.

We feel that this mixture is especially important in motivating the educationally deprived student to set higher academic goals for himself and to think of college as a possibility open to him.

Now, compliance with the law will result in a return to tracking of students, which we fought and eliminated. More significantly, it will result in resegregation within the school. At present, 53.6 percent of the total school population is nonwhite, but 77 percent of the title I students are nonwhite.

Furthermore, over half of the white title I students are Spanish speaking. As a result, the benefits of the racial mixture within the school as a whole are seriously jeopardized. Teachers fear serious psychological effects on the self-image of title I students, who will see themselves labeled as "dumb." Discouraged by such labeling, they may fall back to a lower level of motivation and achievement.

Furthermore, parents of non-title I students, who enrolled in the school because of the opportunity for contact with students from diverse backgrounds, and the promise of innovative education, may withdraw their children at the end of the year as they see a return to tracking and a return to a less experimental approach to teaching.

Ultimately, we fear the work of 5 years, not only in bringing white students into the school, but also in fostering an atmosphere in which white and nonwhite students can work together and understand one another, will be destroyed.

For all these reasons, we protest the restrictions now placed on the Subsystem and strongly urge that the Model Demonstration Subsystem be restored to its original concept as an integrated, innovative educational system providing for dissemination into other city schools which request it.

Thank you.

Mr. SCHEUER. That is an impressive piece of testimony for which I am sure we are all grateful.

Mrs. HICKS. Mr. Chairman, I think that today we have listened to the agonies of parents and the frustration of teachers and the situation that exists now in Boston has been caused by bureaucratic stifling of quality education given in this Demonstration Subsystem School.

Now this committee did pass the Emergency School Aid Act, which was enacted into law as title 8 of Public Law 92-318. The purpose of this act was to provide financial assistance to local school districts to meet special problems incident to desegregation, to encourage voluntary integration and aid schoolchildren in overcoming the educational disadvantages of minority group isolation and authority for administration of this program is invested in the Department of Health, Education, and Welfare.

An appropriation of $1 billion was authorized for the fiscal year 1973, with another $1 billion authorized for fiscal year 1974. This bill has become law, and it would be an avenue for funding of the program that we have in Boston because it meets the demands of this law.

But there have been no funds appropriated because the President of the United States has not in his budget requested this funding. So, under this Emergency School Aid Act, at the present time, there are no funds available for the program such as we have in Boston.

But, we are trying to get from the President a request for funding for this law so that Boston will be in a position to become available for this funding.

I think it is very important for you to realize that this committee is cognizant of problems such as yours in Boston, and that we enacted this legislation. We must then use all of our influence upon the President to have him make the request for the funding for this law. In turn, we could then present our program from Boston which should be funded because it meets all of the demands of the law.

Thank you.

Mr. SCHEUER. Mr. Radcliffe, would you like to ask a question?

Mr. RADCLIFFE. These are complicated issues and some of your problems are in the law undoubtedly. Some may be in the guidelines. I have never seen, for example, in the guidelines, anything which would limit title I assistance to 50 percent of the eligible pupils in any school.

I have checked with counsel on the other side, and neither of us has ever heard that particular allegation made before.

Mr. Scheuer. Can we find out if that is specifically in the guidelines? That is a matter of fact that I think is important.

Mr. Howley. Mr. Chairman, I don't think there is any percentage put in the guidelines, but, we were told by the State department of education, because we had a certain number of teachers who were designated as title I in our school, that we could not service more than 50 percent of our student enrollment.

There are other title I schools that service less than 50 percent because they have fewer staff members than we do, even though an entire school population might qualify for title I aid.

Mr. Radcliffe. What I would like to suggest, Mr. Chairman, because there are problems with concentrations of funds and there are problems resulting from the guidelines.

Some of these guidelines are Federal and some of you, as you mentioned, are from the State education agency, and I would like to request that we submit the transcript of this hearing to the Department and get their detailed reactions and recommendations.

Mr. Scheuer. I think that would be useful. I would hope that could be done. Then, based on the administration's answer, we might hold other clarifying hearings, if this were indicated.

Mr. Radcliffe. It is my understanding, and in fact I know that the Emergency School Aid Act to which Mrs. Hicks made reference was an act passed by the Congress at the request of the President, and it is my understanding that there is a billion dollars in the budget for the funding of that act and it will simply require a further request to the Appropriations Committee because it was not authorized at the time that the Appropriations Committee acted.

Mrs. Hicks. Mr. Chairman, it is my understanding from the Appropriations Committee, and I have checked with them, that they are awaiting the request from the President.

So I don't want this to become partisan politics but I certainly want it to be made very clear that our Appropriations Committee is awaiting at any time the request from the President to fund this act and I think that he is doing a grave disservice to the children all over the Nation if this request is not made.

Mr. Scheuer. I fear that so far as this session of Congress is concerned, it is almost the 11½-hour for a request for appropriations because they have only 10 days to go.

Mrs. Hicks. Well, there is still time.

Mr. Scheuer. Mrs. Chisholm.

Mrs. Chisholm. I have nothing further at this time.

Mr. Robinson. I wanted to respond to the guidelines.

The guidelines are exactly the same as they have been for years. The people from HEW are making a stricter interpretation of exactly the same words in the guidelines. They haven't changed the wording of the guidelines but they are saying we should only get to target children.

Mr. Scheuer. No new guidelines have been issued and no clarifying regulations?

Mr. ROBINSON. No.

Mr. SCHEUER. Have these guidelines been received in——

Mr. ROBINSON. I believe we have learned that they are saying that you will have stricter guidelines.

Mr. SCHEUER. Will you submit these written communications to the committee so they can be made a part of the committee record? I think that would helpful.

This was an interesting and provocative panel and we thank you for coming here.

Mrs. HICKS. Mr. Chairman, before we hear from Mr. Daly, I wonder if we might make as part of the record at this time a statement about the William Monroe Trotter School by the former superintendent of schools, Dr. William Ohrenburger, which describes the school to the parents.

Mr. SCHEUER. Yes, there being no objection it is so ordered.

(The statement referred to follows:)

A MESSAGE TO PARENTS FROM THE SUPERINTENDENT

(By William H. Ohrenberger)

This message, and the brochure information that follows, is directed to parents of pupils in the Boston Public Schools and also to those in nearby suburbs. It has specific interest for those parents with children who will be attending pre-kindergarten through grade five next September.

The new William Monroe Trotter School, 135 Humboldt Avenue, Roxbury, is scheduled to open in September. It is a superbly conceived elementary school, as modern as tomorrow. Its cost is $3.1 million, including $500,000 for furnishings and equipment.

It is by far the most imaginative school Boston has ever built. It has been designed as a "magnet school," the first of a planned series of such schools.

The new four-acre plant is located in the heart of Roxbury's Washington Park Project. Surroundings are expansive and becoming increasingly attractive with new homes springing up all around as part of the development. The school fronts on Humboldt Avenue and Franklin Park is nearby.

If the goal is realized the William Monroe Trotter School will become historic as the first link in a chain of magnet schools designed to achieve integration in Boston and will serve as a model for the Commonwealth.

The Massachusetts racial imbalance law of 1965 provides "for the elimination of racial imbalance in the Boston schools." That law further states that "all school committees must adopt as educational objectives the promotion of racial balance . . . in all decisions . . . involving new school sites."

When Boston submitted its plan to abide by the racial imbalance law in order to receive state funding, the following commitment was made regarding the William Monroe Trotter School:

1. White pupils from throughout Boston will be informed of this unique school and encouraged to attend.
2. A large number of seats will be held available for a reasonable period of time to accommodate white pupils.

Enrollment will be approximately 700. It is our aim to achieve racial balance. Fulfillment of Negro enrollment at this new school is assured because its feeder schools are the W.L.P. Boardman School and the Williams School. Further, the new school will provide seats for the overflow from other nearby schools.

It follows that this brochure is designed to provide the parents of white students with the fullest possible information about a truly remarkable school.

White students whose parents respond promptly will have the best opportunity for admission. A return addressed postcard is provided on the inside back cover of this brochure for those who are interested in this experiment. In the interests of organizational planning for the new school it is important that all applications be received by June 13, 1969.

White children from nearby suburbs will be considered only if there are still seats available after those within Boston are accommodated.

At present the transportation of pupils beyond the usual walking distance from the William Monroe Trotter School will be provided by the parents. There is hope, however, that provisions will be made for funding the costs of transportation.

Several Greater Boston communities now have City of Boston pupils studying in their schools under the well-known METCO program.

The Boston School Committee is prepared to entertain an exchange of pupils from suburbia with two-way cancellation of tuition charges. As an example, if a community currently has five Boston pupils enrolled under the METCO program, the Trotter School will accept five from that community tuition free. If this exchange is not workable the regular tuition charges to non-Boston residents must prevail.

Information beyond that within this brochure may be secured by calling upon the Boston School Department of Title I Programs. The telephone number is 445-6912—Extension 7.

THE PHYSICAL PLANT . . . AND ITS EQUIPMENT

By now you probably have at least peeked at the pictorial displays in this brochure. It is true that one picture is worth 10,000 words. Yet the pictures and the plans as illustrated cannot describe the William Monroe Trotter Elementary School adequately.

Frankly, you would just have to see it to believe it. At the moment the school is not much to look at—about two-thirds completed. A visit to the site, a walk through the rooms, a look through the skylights, a talk with the architects, a preview of scale models and artist-conceptions all add to surprise and illumination.

We now ask you to look at pages 6 and 7. They illustrate the artist's projection of how the school and its area will look from above. It probably is unlike any school you ever saw before.

In front is the broad expanse of Humboldt Avenue, heading left to nearby Franklin Park. To the rear are the larger than normal recreation areas. In between are those strange looking clusters of what appears to be as many as 16 separate buildings. The fact is that this is all one building—a two story building.

On the second floor are 24 classrooms for grades one through five. Each of the four six-sided areas contains a cluster of six classrooms and a central Learning Laboratory (see page 8). Movable walls can change two classrooms into single large classrooms. Connecting hallways make the four clusters all one beehive.

As illustrated on page 8 the furniture in any classroom can be arranged to change the basic look. Specially trained teachers have the most modern electronic equipment for students from any of the six classes in the cluster within the central Learning Laboratory.

The hexagonal center is surrounded by rows of carrels which are individual study areas.

The first floor has the same four hexagons but with two additions. All kindergarten children and all of the special services are housed on the first floor.

To the far right is the carpeted auditorium with its 372 seats fully upholstered in orange. Stereo is among its electronic devices. The auditorium is flanked by two soundproof music rooms.

To the building's rear is the elaborate kitchen which services the large and unusually shaped cafeteria.

The main entrance is to the left of the auditorium with the principal's office nearby. The area has rooms labeled medical, hearing, dentist, etc., a few of the school's many special service rooms.

In the central cluster on the first floor is the library, several additional special rooms, and four large classrooms for the kindergarten and pre-kindergarten children. There is a large classroom for art and rooms for speech and reading.

In the first floor's cluster to the far left is the largest area of all, the indoor playroom, or gymnasium.

That word "indoor" is pertinent for the school also has a fenced-in outdoor playroom for the kindergarten children. To the rear, jutting into the schoolyard, is a sunken amphitheater for outdoor classes.

The school's basic construction is poured concrete. When the usual fire drills come, the building and all its clusters can be emptied almost as quickly as a teacher can say: "Let's go!" In addition to the main and service entrances there are six other entrances for students.

Brick is used for walls both outside and inside the building. Some walls are plastered. Other inside walls are of textured pumice block, striated or grooved for challenging look and absorption of sound.

Sunlight and skylight come from strange and pleasing places, often from popups in the roof. The school is equipped with every imaginable development of modern indoor lighting—concealed, recessed, flushed, direct and indirect.

Every classroom cluster has its own toilet facilities with ceramic tile from floor to ceiling. There will be much fine woodwork, flush doors and panelled highlightings. Plastered walls and ceilings will be painted warm colors like yellows, oranges and reds.

Would you believe wall-to-wall carpeting?

Wall-to-wall carpet will be almost everywhere at the William Monroe Trotter. It will be colored two shades of the "earth" tones—two variations of brown. Sound will be absorbed by three basics, the non-parallel walls, the striation or grooving on the walls and by the carpeting.

The building's architects are the Newton-based firm of Drummey Rosane Anderson, specialists in modern school construction.

The three partners have built many outstanding modern schools throughout New England and this is their first City of Boston school. They're justly proud of it. We have every expectation that future students and parents of the William Monroe Trotter School will be proud of it too.

THE PHILOSOPHY . . . WHAT THE PLANNERS PLANNED

The W.L.P. Boardman Elementary School in Roxbury is a tiny, 69 year old, three-story building that's all but ready to be demolished. It will be abandoned with the opening of the William Monroe Trotter School.

The Boardman building is archaic outside but a surprise inside. Walls everywhere, including those for halls and stairways, are ablaze with children's murals and works of art. Classrooms, and the aura of relaxed informality about them, are unlike anything most of us have experienced.

The furniture is different. Emphasis is upon child-sized tables rather than desks. They are set in clusters and when the children group about them there is seemingly no pattern. One group may be studying reading, another arithmetic, another art or science.

Materials the children are using run the gamut from microscopes to electric typewriters, from a puppet theater to manipulative learning aids designed to teach the basic skills.

Classes are small, yet there are usually three adults present as leaders—a regular teacher, a student teacher and a para-professional aide.

This is the setting for the new and emerging concept of innovative teaching, the ungraded classroom, the class wherein the pupil learns at his own pace, in his own style and in a sequential manner compatible with his ability.

This, for the past three years, has been the experimental laboratory shaping and developing many of the techniques and ideas that will be put to work in the William Monroe Trotter School.

The W.L.P. Boardman School is the elementary segment of Boston's unique Model Demonstration Subsystem. It is partially funded by Title I of the Federal Government's 1965 Elementary and Secondary Education Act.

Starting in September the William Monroe Trotter School will be the elementary component of that Subsystem.

Following is some of the philosophy underlying the Trotter School:

The education designed for the Trotter students is not based on the traditional or usual concept of teaching and learning.

Imaginations of teachers are allowed to soar in search of newer and better ways of educating children.

Youngsters are allowed to discover the satisfaction and delight of conclusions that come from independent study or work.

Curiosity of children is aroused naturally when they play with and manipulate fascinating objects. As they seek to satisfy that curiosity they set in motion an effective and exciting way of learning and thinking—exploration and discovery.

Thinking pupils develop more responsibility for their conduct and learning and that helps them to become more responsible adults.

Support of informed parents and their participation in the education of their children is essential to intellectual growth and emotional stability.

An advisory council of Subsystem parents, teachers and community agency representatives contribute worthwhile educational ideas that help to effectively meet the needs of children.

The new Trotter School classrooms will be of the same shape but no two will look or operate alike.

Each teacher reacts differently, according to experience and ingenuity, to a given classroom situation.

Effort will be made to keep classes small to foster individual instruction.

Each classroom's reading nook will contain inviting books on varied topics and at several levels of difficulty.

Classrooms will contain a wide variety of manipulative materials.

An informal, relaxed atmosphere will give children greater freedom of movement and communication with other children and adults.

Frequent field trips will be correlated with classroom instruction.

The Trotter School will have specially trained teachers in the classrooms and the learning centers which are the core of each cluster.

There will be special resource persons called curriculum design specialists. Their main responsibilities will be to develop and implement good educational ideas.

The staff at the Trotter School will be composed entirely of teachers who volunteer for this assignment.

In summary, the planners want to make the William Monroe Trotter School the magnet that it is designed to be.

They are dedicated to make it as fine a school as the architects and builders will make it physically.

Everyone involved wants to make the new school a magnet that will attract children of all racial and ethnic groups from all parts of Boston and from nearby communities.

THE CURRICULUM . . . INTERDISCIPLINARY AND IMAGINATIVE

Primarily, the curriculum of the William Monroe Trotter School will insure pupil mastery of the basic skills in communication and computation.

A sampling of the Trotter School's curriculum and materials will show emphasis on the development of sequential skills in language arts and social studies. Materials and efforts in those two courses are designed to sharpen children's perceptual skills—to see and hear.

The teaching staff uses metropolitan dailies, weekly newspapers and national magazines to introduce discussion of current events. The discussions help the children assemble facts logically, provoke thought and form opinions to be expressed orally and in writing.

This is one way to motivate the art of expression with words—the art of communication. Creative writing and original dramatics are two other techniques used extensively to help youngsters develop the ability to speak and write clearly.

The science program provides a great assortment of live animals, fish and plants for children to observe and study. It also offers individual exploratory projects through the use of science kits and a unique collection of materials for both individual and group exploration from the Children's Museum.

At the elementary level the children are taught mathematics through the use of multi-based blocks, mirror cards, graphs and both geo blocks and pattern blocks for geometry. Even the pre-kindergarten children are exposed to mathematics through games and projects.

A variety of multi-media equipment and programmed materials are used to motivate children to read.

At an early age the pupils are introduced to the school library which in reality is an extension of the classroom reading nooks. The wide range of books and their accessibility encourage the children to read.

Field trips for ice skating and swimming are attractive features of the school's physical education program. Creative dancing and teacher-pupil designed rhythmic activity and exercise games are essential elements of this course.

Art, music and all subjects included in the curriculum of the William Monroe Trotter School are so interwoven that the children will appreciate the interrelationship of all educational activities. This is known as the interdisciplinary approach to education.

As a final reminder parents are referred to the back inside cover of this brochure for the addressed, postage paid reply card.

Applications should be received at the department of Title I Programs by Friday, June 13, 1969.

Mr. FREDERICKS. Mr. Chairman, I would like to introduce to you and members of the committee the honorable Michael Daly, member of the Commonwealth of Massachusetts, House of Representatives, and Chairman of the House Education Committee.

Representative Daly.

STATEMENT OF HON. MICHAEL DALY, CHAIRMAN OF THE HOUSE EDUCATION COMMITTEE, STATE HOUSE, BOSTON, MASS., AND MARTIN FOLEY, LEGISLATIVE AGENT, BOSTON, MASS.

Mr. DALY. Mr. Chairman and members of the Committee on Education and Labor, I would like to express my appreciation to you for allowing us to testify before you this morning. My testimony this morning will be limited to title I of the Elementary and Secondary Education Act as it relates to the Model Demonstration Subsystem in the Boston Public Schools.

The Model Demonstration Subsystem in Boston has been in existence since 1966. Since 1966 title I funds have serviced all students attending Trotter which is an elementary school, Lewis which is a middle school, and Copley Square High School with knowledge and consent of the State title I office.

Since this experimental program has been in existence it has provided great benefits to many children in the Boston school system. The benefits which most quickly come to mind are excellent educational offerings to the children in the Subsystem, an opportunity for substantial social and cultural interchange between these young people. These schools have been described as magnet schools and I believe that in fact they have proved to be just that.

Parents of children in all sections of the city of Boston and from surrounding communities have chosen to send their children to these three schools primarily because they are convinced that their children will obtain a much finer education in these schools than they would in their own local public schools.

The physical facilities and educational opportunities of these schools have indeed acted as a magnet to draw young people from all sections of the city to these schools.

Another testament to success of the Model Demonstration Subsystem is that children attending these schools from other sections of the city have had an effect of racially balancing these schools.

The racial integration of the three schools would not have been as successful if title I funds had not benefited all children rather than just the educationally or economically deprived.

Limiting title I money to just those young people attending who are educationally or economically deprived after the program has been in existence for 6 years would destroy progress of racial integration and once again increase racial isolation.

If only those children identified as educationally or economically deprived are entitled to title I funds, then parents of these children, who are predominantly white children, will no longer see the benefit of continuing to send their children to these schools and I think we can all understand what the result of that will be.

This morning I am asking you to come to our aid. I would appreciate any effort you can make that will insure that the funding of the Model Demonstration Subsystem in Boston will continue because I think it is obvious from remarks made before you this morning that in fact it has been a demonstration model that has worked.

I would like to suggest that the title I office allow continuation of this funding of the Model Demonstration Subsystem as it existed last year until other funding can be provided.

If that is not possible, then perhaps an effort can be made for some alternative method of funding to allow this program to continue.

Once again I want to thank you for affording me the opportunity to appear here before you this morning. I might just add that with the enforcement of these guidelines, it seems to me what will happen is that you will have white children going to these three schools, schools which are substantially racially balanced, and once they go through the doors of these schools, they will then be segregated within the school themselves.

It just does not seem to make very much sense to me. There are a great many people who live in my district and with whom I am friendly who send their children to these schools and they are very happy with the educational programs offered to their children and they feel very importantly that in terms of our society and our community, the opportunity for working with children from different ethnic, religious, and economic backgrounds is most beneficial to their children.

So I would ask you if we could possibly continue the funding as it has existed in the last year, or hopefully some other alternative effort such as Mrs. Hicks has mentioned can be provided.

Mr. SCHEUER. Thank you. I think it is at least possible that there may be a difficulty in the law. I don't know. I think we must see the written communications from HEW to the Boston school people.

Do they cite a problem in the law?

Mr. DALY. Yes, as I understand it, and the guidelines have not changed at all, they are now enforcing one of the guidelines that at least in terms of the Model Demonstration Subsystem in Boston has not been enforced until this point.

Miss WHITTAKER. I am Grace Whittaker, director of the Subsystem program in Boston.

I have a statement that came from Mr. Stanley at HEW that applies to this particular subject.

Mr. SCHEUER. There being no objection, the statement will be reproduced in full in the record. But read us the pertinent language.

Miss WHITTAKER. The pertinent part is this:

> The Boston Model Demonstration Subsystem, as outlined, poses certain inconsistencies with Federal regulations which require modifications. Title I funds are to be used for projects designed specifically to meet the special educational needs of educationally deprived children residing in validated school attendance areas and may not be used for projects designated to meet the needs of schools or a student body at large in a school. These requirements are detailed in CFR 45 Section 116.17(a), (f), and (g).
>
> Students bused into the subsystem must meet the same requirements as resident children to be eligible for title I services; namely, they must be residents of validated school attendance areas and they must also be educationally deprived.

Now those things were in essence what modified the program.

Mr. **Scheuer**. It is interesting to me that they cite the regulations that are in the Federal Register. These regulations of course can be changed. They don't cite the basic legislation as the problem.

Miss **Whittaker**. No, they cite the Federal regulation.

When the subsystem program was originally presented from Boston in 1966, it was known at that time that we were servicing all children but there was never any statement made that that was not acceptable, either at the State level or at the Federal level and we were approved each year.

There has been annual approval of this kind of service. That is why it was a rather shocking experience for us suddenly to be told not that we didn't know the law, but to be told that we must modify the program and, of course, 5 years of working, as Mrs. Hicks pointed out, to try to integrate the schools seems to me as the administrator to be the thing most in peril at this point.

Mr. **Scheuer**. It seems to me that, taking a broad look at the law, the basic needs and goals of the educationally deprived kids are being served by this total spectrum of programs and services to create an integrated educational environment which is certainly for the benefit of the deprived kids.

It may also be to the benefit of the kids from middle-income families, but it is clearly creating an education environment that is going to enhance the learning of deprived kids. Taking a broad view of the congressional intent and the law, the regulations should make that possible.

In about 20 minutes I am going to ask our distinguished and brilliant minority counsel if he feels that the intent of the law could not be served by changing the regulations if they need to be changed, to encompass this kind of activity for the benefit of the educationally deprived kids living in the prescribed area.

But I am going to give him whatever time he needs to collect his thoughts.

Mr. **Radcliffe**. I would need more time, Mr. Chairman, to comment. The problem is that we have a complicated act, as you know title I is. And then the regulations and the guidelines are even more complicated than the title itself.

They are supposed, however, in every detail, to reflect the intent of Congress and to carry that out in every detail. We sometimes find, as all of the members are painfully aware on both sides, that this is not the case.

I think that what we would have to do Mr. Chairman, is to go back to these guidelines, examine them, and then if they do carry out the intent of the act, fine. And then we would have to examine the act itself and the members might want to make changes in the act itself in order to accommodate a program of the type you are undertaking in Boston.

I am sorry that I really can't react more specifically than that.

Mr. **Scheuer**. No, I can understand fully that in a complicated interface between the legislation and the regulations you would want some time to study it. We hope that will work with the administration, that they will give us their clear view as to whether an amendment is needed to make possible this kind of a program.

Mr. **Radcliffe.** Yes, sir.

Mrs. **Chisholm.** Mr. Chairman.

Mr. **Scheuer.** Yes, Mrs. Chisholm.

Mrs. **Chisholm.** After listening to all of this testimony this morning, it would seem to me that the Education Committee needs to see that we have a much more detailed inspection of title I schools in this country. I think we can learn a lot by really finding out the nature of the makeup of these schools, finding out much more about the results of the programs, not programs per se.

I think it is important for us to find out the results of the programs and, of course, maybe we are going to have to rewrite certain things with respect to title I guidelines because it has been indicated here that the letter to the Boston group clearly stipulated that disadvantaged youngsters are supposed to get the main benefits of title I and this is understandable.

I think also it is further understandable, to be sure, that they would get the benefits, that every effort must be made to be certain that the kind of environment in which they would secure such benefits is conducive not only to their intellectual development but to their social and potential economic development because we are still in a multifacet society despite all of the difficulties that we are going through.

I think sometimes we become so bogged down just by seeing situations in terms of figures and statistics and we forget the humanitarian effects on an overall level.

So I am becoming more convinced that there are certain things that perhaps we are going to have to really work into title I guidelines or look at a little more carefully.

Mrs. **Hicks.** I want to thank Mr. Daly for coming here. He is very well known in Boston for his deep concern relative to all problems of Massachusetts children and education.

As chairman of the education committee he has done a great deal for the educational welfare of our children.

For all of you who have come and presented this case, I think that it has been very worthwhile because you not only have alerted the Education and Labor committee here in the House but also the members of HEW and OEO and civil rights groups who are sitting behind you who are certainly going to receive copies of this testimony and I assure you that we will make every effort to keep the title I funding secure not only in the Boston situation but in other situations in the country similar to ours in Boston.

Again thank you for coming.

Mr. **Fredericks.** We have one last statement.

Mrs. **Smith.** I wanted to point out that if this goes back to the way of change, the Trotter School was built under Federal funds, I believe it was under 60–40, which means it must be integrated if it is built that way. If this is the case, and they stop this, that law that went into effect with the building of that school, we will lose our integration there also.

I thought it would be worth pointing that out.

Mrs. **Hicks.** Thank you for your statement.

Mr. **Scheuer.** Yes, Congress has expressed itself pretty clearly on the question of providing Federal funds for forced busing. But it seems to me you have an entirely different situation here where you have voluntary integration by parents who are willing voluntarily to put their kids on the bus for an educational experience at the other end of the line that in their view is worth it. It seems to me where a community voluntarily wants to provide an integrated education experience and where Federal financing of busing isn't even involved, what you are talking about is Federal financing of educational excellence in the schools.

We should find a way to make that possible. The opponents of busing have been saying, and there is certainly some merit in this, that the way to improve educational excellence is to improve what happens in the school.

Where a community is doing this and where they are getting State assistance in working out busing arrangements and where the only Federal help requested is to provide help in providing the kind of educational excellence that is going to attract middle class kids to go to a central city core school, it seems to me this is exactly what Congress ought to be encouraging.

If there is an impediment in the law, and there may be, the committee in its consideration of the Elementary and Secondary Education Act early next year ought to take this up as the first order of business.

Mr. Radcliffe, do you have anything further?

Mr. Radcliffe. You have been very generous. Thank you.

Mrs. Hicks. Mr. Chairman, I would like to have made a part of the record some telegrams and documents that I have received.

Mr. Scheuer. There being no objection, it is so ordered.

(The documents referred to follow:)

[Telegram]

Boston, Mass., *September 26, 1972.*

Congresswoman Louise Day Hicks,
Longworth House Office Building,
Washington, D.C.

Dear Madam: By the recent ruling to cut back funding for Copley Square High School, the Massachusetts Department of Educations and the Federal Department of Health, Education, and Welfare have turned their backs on the principal of integrated urban education. This high school has for several years proved that intercity students of various racial, ethnic, and economic backgrounds can learn and socialize in an atmosphere free from tensions found in more traditional urban schools. We urge you to do everything in your power to see that the funds are restored to Copley High School in order that one of the few successful programs in the country can continue.

S. Kenneth Woodward,
Mildred Fryer,
Joyce Reed,
Richard C. Spillane,
C. Paul Dessinger,
Members of the Copley Square Faculty Senate.

[Telegram]

Boston, Mass., *September 13, 1972.*

Congresswoman Louise Day Hicks,
Washington, D.C.:

Recent interpretation of title one guardline by U.S. Office of Education officials threaten to destroy a highly successful educational program i.e., the Model Demonstration Subsystem. The Subsystem is a laboratory school program for developing innovative educational methods and materials and for exploring the concept of magnet schools which attract white students into predominantly black and disadvantaged areas. The three component schools, Trotter (K–5), Louis (6–8), and

Copley (9–12) have been making great strides toward these objectives and in the process have received national attention and acclaim. At a time in our history when friction and discord mar many efforts at integration we feel that it is both ironic and absured to cripple the program that has successfully integrated its schools through the voluntary cooperation of parent, teachers, and students. Now we are told that Title One cannot accommodate such an imaginative approach to quality integrated education instead we are being forced to restrict our program to an inflexible and narrow guideline which prohibits research and innovation. We realize the responsibilities and duties of your office are enormous but we appeal to you to find some time to aid us in our efforts to save a fine program.

Kasper Sara Kembel, Anthony Macrina, James Makagon, Daniel Marcelonis, Haywood Hydson, Barbara Jackson, Courtney Johnson, Brenda Jones, Carol Fasano, John Fisher, Thomas Gorham, Joseph Hart, John Hegarty, Jon Howley Carrick, Frank Celona, Angela Cloud, Linda Dow, David Driscoll, Phillip Euguene Ellis, Principal; Rodger Amann, Gus Anglin, Elizabeth Babine, Gloria William McCan, Richard Molly, William Nardone, Anges O'Neill, Richard O'Neill, Louis Perullo, Charles Peterson, Frank Pupi, Emma Reavis, Guadalupe Rangel, Michael Robert, Jerry Robinson, William Robinson, Paul Rutledge, Milton Sachs, Irving Shine, John Slattery, Marilyn Stevens, Angela Wilson, Ann Witham,

Faculty of Lewis Middle School, Roxbury, Mass.

[Telegram]

Boston, Mass., *September 25, 1972.*

Congresswoman Louise Day Hicks,
Longworth House Office Building, Washington, D.C.

We protest the action of the U.S. Office of Education in compelling Boston to drastically revise its highly successful Model Demonstration MD Subsystem. We feel these changes will lead to defacto racial and economic segregation within the subsystem, thereby frustrating one of the Nation's very few successful examples of voluntarily achieved racial and economic integration we feel the results achieved by the subsystem amply demonstrate the improvement in educational opportunities for children of poor families, in keeping with the spirit of Title One ESEA. We urge you to permit this very successful program to continue, and not to force hasty modifications to it.

Selma Peters, *Vice Chairman, Dorchester.*
Ray Murphy, *Recording Secretary.*
Mary Deas, *Corresponding Secretary, Dorchester.*
Louise Bonard, *Chairman, Parent Advisory Council, Model Demonstration.*

[Telegram]

Boston, Mass., *September 25, 1972.*

Congresswoman Louise Day Hicks.

Dear Congresswoman Hicks: We the teachers and staff of the William Monroe Trotter Elementary School protects the ill advised termination of the Model Demonstration Subsystem in the city of Boston. Our nationally acclaimed program of innovative education excellence has been severely restricted by inflexible Title I guidelines. Not only has this program been successful educationally but also in this time of racial strife and conflict our magnet school has attracted white children from throughout the city by a voluntary busing and has successfully integrated them into a school in the heart of the black community. The new guidelines can only serve to segregate a school that has been racially balanced for three years. Therefore we strongly urge you to support our fight for a continuation of the subsystem in the city of Boston.

Thank you.

William Monroe Trotters Staff.

Boston Public Schools,
Department of Title I Programs.

REPORT TO THE SUPERINTENDENT ON ACCOMPLISHMENTS AND ACTIVITIES OF COPLEY SQUARE HIGH SCHOOL FOR 1971–1972

During the spring and summer of 1971, community pressure for and expansion of the Copley Square High School program resulted in a decision by the Board of Superintendents that the school would increase its enrollment to 400 students, while maintaining racial balance. Because the student capacity of the building is officially 300 students, this increase required that we arrange for a staggered schedule of the students' day and an expansion of our Extern program. The Extern Program, an adaptation of Open Campus, retains accountability for students' whereabouts and activities while it extends to them the freedom to use surrounding resources on a scheduled basis. The program for the academic year 1971–1972 has been expanded in the number of student participants and in the variety of school-related practice which generally are scheduled on four mornings or afternoon per week. In addition to maintaining placements with most colleges and museums in the area, the Copley Square High School staff members have developed several unique resources.

A part of the Extern program includes two metropolitan exchange programs, one with Masconomet Regional High School, and the other with Sincoln-Sudbury Regional High School, which included our students in their Alternative Semester-Outward Bound Program.

As a part of the Model Demonstration Subsystem, ESEA, Title I, Copley Square High School has a responsibility to disseminate successful programs to other high schools in the city.

The graduates of the class of 1972 were the second graduating class of Copley Square High School. Because this would qualify us to apply for accreditation of our school, negotiations were made with the New England Association of Schools and Colleges, and the first official visit of the accreditation team took place on June 8, 1972. We have been accepted by the Association under R.C.A. category. Material submitted for the philosophy and objectives of the school and community report is attached.

The report on the graduates of Copley Square High School, class of 1972, includes one National Merit finalist and two recipients of Letters of Commendation. Seventy-two percent of the graduating class were placed in post-secondary education. Details of the accomplishments of the graduates of 1972 are attached.

Teresa A. Hamrock, *Director in Charge.*

LEWIS SCHOOL

The Lewis Middle School (6–8) is located in the Roxbury section of Boston. This area is almost one hundred percent non-white. Before our school was made a component of the Model Demonstration Sub-System, the pupil enrollment was more than ninety-nine percent black. Today our enrollment is more than twenty-five percent white. The racial composition of the area has not changed. Clearly other factors have to be considered in order to explain this situation.

We believe that our commitment to quality education and innovative programs has made the difference. Our school has become a magnet school which has proven itself capable of drawing white pupils from other areas both urban and suburban. Moreover, our staff has been recruited, interviewed and assigned on the basis of their demonstrated interest in creative approaches to education. Our staff administrators, faculty and teacher aides function as an integrated whole in their efforts to assure the best education for students and a close working relationship with their parents. This type of organization should only be encouraged. To disturb it or make changes would only risk disastrous results. It is for this reason that I am asking for your intercession on our behalf to save a most worthy program.

Last August some teachers were called back from vacation and informed that our proposal could no longer be funded under Title I unless certain drastic changes were made prior to September 1, 1972. The changes that were sought would undermine our efforts at both integration and innovation. We were now being directed to service only children who met certain specific criteria in terms of residence, academic achievement and family income. Moreover, even some of these children would not be serviced if their number exceeded fifty percent of our total enrollment. It was clear to our staff that more than eighty percent of our pupil enrollment needed additional assistance. Under the pressure of time, the teacher committee re-wrote the proposal to conform to the stricter Title I guidelines. No teacher was satisfied that the revised proposal was even remotely close to the quality of the original proposal.

We believe that the revised proposal will inhibit classroom integration as it requires the segregation of children who score below average norms on standardized tests. The overwhelming number of these children are black. In addition, white parents will also lose interest in the sub-system once they learn that we no longer have a mandate to function as a laboratory school. As evidence of this one can simply look at other Title I schools in Roxbury and discover that they are almost 100% non-white.

It is the uniqueness of the sub-system which attracts white parents. This uniqueness must be preserved. Please help us to modify Title I guidelines or assist us to qualify for other Federal programs which would welcome our efforts at integration and innovation. The need is great and urgent.

PHILOSOPHY AND OBJECTIVES

SUBMITTED TO NEW ENGLAND ASSOCIATION OF SCHOOLS AND COLLEGES FOR PURPOSES OF ACCREDITATION ON JUNE 1, 1972

Copley Square High School, the high school component of Boston's (Title I) Model Demonstration Subsystem, was born in borrowed quarters of the overcrowded Lewis Junior High School, and originally served a small, racially homogeneous, largely unmotivated group of 9th graders. Since its inception in 1966, it has added grades and students so that presently it serves 500 students in grades 9 through 12. Community pressure from the Lewis Subsystem School and from the Back Bay and South End parents, and, indeed, parents and students throughout the City, forced us to expand to an enrollment of 500, although the capacity of the building is only for 300 students. With adequate staffing and an expansion of our extern program, we concluded that we could accommodate the community requests. The school continues to carry the responsibility of a long waiting list of applicants. The co-educational student body is racially balanced, economically diverse, and includes a wide range of student aptitudes and achievement levels.

Growth and change in the school population has accompanied changes in the school location. After two years in the heart of the Roxbury ghetto, the school moved to a 19th century elementary school building in Dorchester, at Codman Square, an area undergoing racial and social changes. Finally, the program has located at Copley Square, the cultural and business center of the Boston metropolitan area.

These changes have resulted in the evolution of the school's current philosophy:

1. American society—democratic and multi-ethnic—requires that the schools assist students to become independent, responsible, thinking adults.
2. Racial, social, and economic integration of the school community—parents, students and staff—may be one of the most powerful ways of improving education for advantaged and the disadvantaged. It is certainly a necessity for producing an adult society responsive to the national and world community needs.
3. Because of the mid-century "explosion of knowledge" schools must prepare students to cope with the volume and complexity of information and experiences to which they are subjected.
4. Schools must emphasize not the hoarding of correct answers but the need for constructing logical question. Students must find through process the underlying structure of major disciplines and be provided with inquiry tools used by the subject specialists to organize the flood of knowledge and experiences.
5. Schools should attempt to minimize the fragmentation of growth, intellectually, socially, and psychologically by providing inter-disciplinary learning opportunities which stress the correspondence of subject content and structure.
6. Schools have a responsibility for providing the students with means of mastering both the high skills "thinking" and of aesthetic discrimination but also the basic skills of reading, writing and computing. The student must feel competent and motivated to enter into any vocational or professional field to which he is attracted.

7. Human beings learn best what they feel is relevant to their own lives. The important content of traditional subject material can and must be made available to all students. It will be "internalized" or learned by the student depending upon the skill of the teacher in making it relevant to the student's present situation.

8. Schools must provide a broad array of valuable, relevant materials and experiences. The widest variety of options should be available to the student through in-school and out-of-school (**EXTERN**) experiences.

9. Education must engage the whole personality through affective, cognitive and psychomotor experiences.

10. People learn at different rates and in a variety of styles.

11. Students learn better if teachers, while being responsible for structuring the environment, act within that structure as active guides.

12. Schools should attempt to provide a friendly, supportive attitude towards students as individuals worthy of note and understanding.

13. Schools must reinforce self-respect and a respect for others. Knowledge of, and an appreciation for, the variety of ethnic cultures in our pluralistic society is essential for the personal well being and the national vigor of America.

14. A major force in the student's learning comes from the peer group. Schools must provide opportunity for the positive use of such energy. An important school technique is to provide for constructive dialogue.

On the basis of the preceding philosophy, we see our main objectives as being:

1. To affect the educational and social behavior of students by creating an environment of freedom within the boundaries of self-discipline.
2. To construct ways for students to become responsible by involving them in decisions concerning administration policies and curricula development and evaluation.
3. To discover the satisfaction of successful employment of their own intellectual and aesthetic energies at whatever level these energies are capable of operating.
4. **To provide the balance between the cognitive and affective domain of education.**
5. To develop critical thinking skills.
6. To strengthen communication skills.
7. To develop salable skills.
8. To learn how to adapt successfully to rapidly changing situations within the environment.
9. To apply learned skills to solve personal and societal problems.
10. To learn how to take good advantage of leisure time.
11. To learn the ability to question assumptions in an open and logical manner.
12. To develop into autodidacts.
13. To increase student awareness and appreciation of their ethnic heritages.
14. To develop self-reliance.
15. To learn from exposure to alternative learning experiences.

GRADUATES OF COPLEY SQUARE HIGH SCHOOL

	White	Nonwhite	Total
1970 class: [1]			
Graduates	5	13	18
Post secondary Education	5	9	14
Vocational placements	0	4	4
1971 class: [2]			
Graudates	19	41	60
Post secondary education	13	34	47
Vocational placements	6	7	13
1972 class: [3]			
Graduates	35	47	83
Postsecondary education	35	24	59

[1] Percentage—Postsecondary education—78 percent. Total financial aid declared to guidance department—$7,500. Total number of high school transcripts and recommendations submitted. (See encolsure No. 1 for details.)—52.

[2] Percentage—Postsecondary education—79 percent. Total financial aid declared to guidance department—$28,700. Total number of high school transcripts and recommendations submitted. (See enclosures No. 2 for details)—231.

[3] Percentage postsecondary education: Total number of high school transcripts and recommendations submitted—392.

1970 GRADUATES, TOTAL 18

A. Post Secondary Education:	
Boston State College, 2 white, 7 non-white	9
Pembroke College (Brown University), white	1
University of Massachusetts (Amherst), non-white	1
Northeastern University, non-white	1
Wentworth Institute, white	1
Lasell Jr. College, white	1
Total students	14
B. Vocational placements:	
New England Telephone & Telegraph Co. training pragram, non-white	3
Polaroid Corps training program, non-white	1
C. Students were accepted at the following colleges but chose to accept colleges noted in (A) above:	
Northeastern University	3
Salem State	2
Cornell University	1
Clarkson College	1
Boston University	2
Boston State College	14
University of Massachusetts (Boston)	1

1971 GRADUATES

A. Post Secondary Education:	
University of Massachusetts (Boston), 13 white, 2 non-white	15
Boston University, 4 white, 4 non-white	8
Boston State College, 2 white, 4 non-white	6
Sacred Heart, Newton, non-white	2
Mass. College of Art, white	2
Salem State College, non-white	2
Boston Vocation Institute, white	1
Boston College, white	1
Principia College, non-white	1
Graham Junior College, non-white	1
Newbury Junior College, non-white	1
Butera Art School, non-white	1
Health Careers (Radiological Technical), non-white	6
Total	47
B. Commercial placements:	
New England Telephone & Telegraph Co. training program, 2 white, 3 non-white	5
Prudential Insurance Co., non-white	1
New England Telephone & Telegraph Co., non-white	2
New England Deaconess Hospital, non-white	1
C. Undecided: 2 white, 2 non-white	4
D. Accepted the college indicated in (A) above:	
Southeastern Mass. University	2
U. of Colorado	1
U. of San Francisco	1
Merrimac College	1
No. Texas State College	1
Shaw University	1
U. Mass. Amherst	2
Brandies University	1
Clark University	1
Providence College	1
Howard University	1

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ATTACHMENT "A"—POSTSECONDARY EDUCATION

University of Massachusetts (Boston)	7
Suffolk University	7
Southeastern Massachusetts University	5
State College at Boston	5
N.E. Tel. & Tel. Trainee Program	5
Northeastern University	4
Boston Business College	3
Boston College	2
Fort Lewis College	1
Forsyth Dental School	1
Quincy Vocational School	1
Massachusetts College of Pharmacy	1
Antioch College	1
George Washington University	1
City Hospital Practical Nurse Course	1
Brandeis University	1
Adelphi College	1
Bay State Academy	1
Emanuel College	1
LaSalle Junior College	1
Radcliffe College	1
University of Massachusetts (Amherst)	1
American University	1
Goddard College	1
Mount Ida Junior College	1
New England Conservatory of Music	1
Newton College of the Sacred Heart	1
Howard University	1
Lowell Technical Institute	1

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ATTACHMENT "C"—AWARDS

McGraw-Hill Publishing Co	2
N.E. Telephone & Telegraph Co	4
Prudential Insurance Co	3
John Hancock Insurance Co	2
New England Life Insurance Co	2
Blue Cross-Blue Shield	1
Harvard Medical Laboratory	1
General Dynamics	1
F. W. Woolworth	1
Howard Johnson's	2

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ATTACHMENT "C"—AWARDS

1. Grace Aznive Memorial Art Award:
    Lillian Sullivan
2. National Merit Finalist:
    Barbara Zeeberg
3. National Merit Letter of Commendation:
    Alice Cort
    Joyce Indelicato
4. Boston Eison Science Award:
    Alice Cort
    Robert White
5. Boston Globe Science Award:
    Anita Lejinitis

6. Museum of Fine Arts Scholarship:
    Lillian Sullivan
    Joanne Tisei
    Rosemary Sabby
7. Betty Crocker Homemaker of Tomorrow:
    Shelley Snyder
8. Goodwill Ambassador:
    Maurice Cohen
    Anthony Youngblood
9. Men and Women of the Future Award:
    Anita Lejinitis
    Anthony Youngblood
    Sharon Goldsweig
    Steven Seto

ATTACHMENT D

COPLEY SQUARE HIGH SCHOOL

College or university	Number of students accepted	Amount of money awarded
George Washington University	2	$1,500
University of Massachusetts, Boston	20	
University of Miami	1	
Northeastern University	5	2,000
Suffolk University	5	
Loewll Technical	1	
Boston University	6	14,300
Lewelle Junior College	5	2,600
Boston College	4	13,800
Howard University	1	
Boston State College	3	
New England Conservatory	1	
Emanuel College	1	3,175
University of Bridgeport, Conn	1	
Boston Business School	1	
Marietta College, Ohio	1	
Newton College of the Sacred Heart, Newton	3	6,700
American University	1	3,000
Bently School of Accounting	1	
Adelphi University	1	3,100
Burdett College	1	
Fort Lewis College, Colorado	1	
University of Massachusetts, Amherst	1	
Rainbow Club Scholarship		
Hampshire College	1	
Salem State College	1	
Brandeis University	1	
Pembroke College	1	
Radcliffe College	1	
Antioch College	1	3,200
Garland Junior College	1	
Mount Ida College	1	1,000

Mr. SCHEUER. We thank the witnesses. We think it has been a very informative hearing.

Mr. FREDERICKS. Thank you, Mr. Chairman.

Mr. SCHEUER. The hearing is adjourned.

(Whereupon, at 11:20 a.m., the committee adjourned subject to the call of the chair.)

OVERSIGHT HEARINGS ON ELEMENTARY AND SECONDARY EDUCATION ACT

WEDNESDAY, OCTOBER 11, 1972

House of Representatives,
Committee on Education and Labor,
Washington, D.C.

The committee met, pursuant to notice, at 10:30 a.m., in room 2175, Rayburn House Office Building, Hon. Carl D. Perkins (chairman) presiding.

Present: Representatives Perkins (presiding), Mazzoli, and Quie.

Also present: Cindy Banzer, minority legislative assistant.

The Chairman. The committee will come to order. A quorum is present.

The hearing today is a continuation of our oversight hearings on the Elementary and Secondary Education Act, consideration of legislation to extend the act, and the relationship of the act to other elementary and secondary education support programs which would be authorized by pending legislation. Senator Pepper told me about the outstanding hearing that was conducted in the great State of California and about the outstanding testimony received from Dr. Marcus A. Foster, superintendent of schools at Oakland, Calif. I told the Senator to invite Dr. Foster to make his statement before this committee.

I am delighted that we are receiving this testimony. I think it will strengthen support in many ways for the Elementary and Secondary Education Act to add a separate title along the lines suggested by Senator Pepper in his bill. I, at this time, will call on you to proceed, Senator Pepper.

Mr. Pepper. Thank you very much, Mr. Chairman.

As the Chairman has been gracious enough to say, the House Select Committee on Crime had a very informative hearing the week before last in San Francisco. One of the outstanding witnesses that we heard on that occasion, indeed, one of the most outstanding witnesses that our committee has ever heard at a hearing, appeared on that occasion. He honors us with his presence here today. I will ask one of my colleagues, the ranking member of the House Select Committee on Crime, if he will make the presentation of one of his colleagues and of our witness here today who comes from his area. The Honorable Jerome Waldie.

Mr. Waldie. Thank you, Mr. Chairman.

Mr. Chairman, I represent the district that adjoins Dr. Foster's. In all the years that I served in the California legislature and in the few years I have served in Congress, I have never heard a more eloquent or passionate witness than Dr. Foster when he was talking before a committee on the problems of drug use in the school system, but beyond that, upon the problems of the school systems throughout America.

I think what Dr. Foster has to say is so unique and is so well-put that it would serve this committee well to hear him. I joined in Chairman Claude Pepper's suggestion that he appear before us. The Congressman who represents Dr. Foster's area is my friend and our colleague, Ron Dellums. Mr. Dellums will introduce Dr. Foster.

The CHAIRMAN. Let me thank both of you, Congressman Waldie and Congressman Dellums, for your appearance here today.

Mr. DELLUMS. First of all, I would like to thank you very much for inviting a very distinguished colleague and educator, Dr. Marcus Foster, who is the superintendent of education in the Oakland public schools, a community that I represent in the Seventh Congressional District in California.

The CHAIRMAN. Let me interrupt you by stating that we had another outstanding witness the other day, Dr. William Webster, who is the assistant superintendent of the Oakland City School System. He appeared before the committee and made an outstanding statement.

Mr. DELLUMS. I thank the Chairman. I would like to underscore that we are very fortunate to have several very capable people under the leadership of Dr. Foster in the Oakland public schools.

Without any further ado, Mr. Chairman, I would like to introduce my distinguished colleague and very learned educator, the superintendent of the Oakland public schools, Dr. Marcus Foster.

The CHAIRMAN. Go ahead, Dr. Foster. You have been well-introduced. We appreciate your appearance here. You are in good company.

Dr. FOSTER. Yes, sir.

The CHAIRMAN. I think you owe a lot not only to these two outstanding Congressmen but to Senator Pepper, too, who made sure that the committee had the benefit of your experience. We are glad you are here. Go ahead.

STATEMENT OF DR. MARCUS A. FOSTER, SUPERINTENDENT OF SCHOOLS, OAKLAND, CALIF.

Dr. FOSTER. Thank you. I would like to begin by expressing gratitude to Senator Pepper and my colleagues from the State of California for the opportunity of appearing here and to you, Mr. Perkins, and your colleagues, for this opportunity.

I did have the chance to testify before the committee in San Francisco. We were concerned with narcotics and drug abuse in the school system. I outlined the Oakland approach.

Our approach is one of prevention. We certainly, if we had sufficient funds, would be happy to move into treatment programs and all of the other areas that are indicated by the need and the magnitude of the problem, but prevention is an area where schools have a decided responsibility. We are in continuous and prolonged contact with youth, probably more than any other agency. Therefore, we don't shirk our responsibility.

We hasten to say, however, that the schools working alone cannot solve the problem. The magnitude of it is such that we have to become more skillful in using existing agencies and coordinating our efforts.

That is one of the hopeful signs of the bill that is being proposed, it would give us this opportunity to coordinate other youth-serving agencies.

I emphasize that we focus on cause. There is an analogy that I think graphically illustrates the wisdom of this approach. One person who is an expert in this field compares it to a city that is gearing itself to treat yellow fever and builds a number of hospitals and treatment centers but neglects to drain the swamp—that is, to get at the cause of the matter. So we could continue to build treatment centers and to build the hospitals and maintenance programs but if we don't drain the swamp—that is, get at the cause—we will continue to generate patients to fill the hospitals and treatment centers.

The causes are multiple and complex. Therefore, the solution also is multiple and complex. To look at the causes—some would be a negative self-image, lack of success in school, boredom, and when one talks in those areas he is really talking about the general educational program. If that is deficient, if the program is not exciting for youth, then we are generating and creating the conditions that will cause youngsters to abuse drugs.

Our program is a pre-K through 12 program. That is, starting with the small children, they have to understand that some people, in order to keep well, do indeed use drugs and that is appropriate use of drugs. They also have to understand that to take the drugs when you are not sick and to take them without prescriptions is abuse. So the program starts that early.

What kind of program can one mount in a district that is underfunded just as urban centers around the country are underfunded and face chronic economic crises where 60 to 70 percent of senior staff time is spent in trying to survive and to discover ways to cut the budget artfully in order to comply with the law that requires presenting a balanced budget?

Then the question is what can we do in a shrinking financial situation and at a time when needs are escalating? What can we do to confront the serious problem?

Our approach was to look for resources outside the general fund budget. The State health agency provides us with about $49,000. We hired a full time educator to deal with drug abuse in the Oakland Unified School District. That grant lasted for a year and a half and ran out. We were in the midst of a deepening financial crisis but we saw this problem as so serious that we could not lose the services of Mr. Newell, who had carried on that responsibility. So with a meager $27,000 we were able to continue his services.

I would like to give you some idea of his accomplishments. He has reached a number of populations with information about drugs. He has worked with teachers, parents, nurses, administrators, students, and clerical staff. All of those who come in contact with youth need to know how to recognize symptoms of drug abuse and how to get the correct help for youngsters who are in need of assistance.

Mr. Newell has been able to reach about 500 teachers, 15 counselors, 250 clerical personnel, and approximately 60 administrators during the approximately 2 years that he has been in action. This is, we say in all modesty, a miraculous accomplishment—one man providing 10 to 50 hours of in-service education for the number of people I have just indicated. Of course, he doesn't do all of the work himself, but he is skillful in drawing in other experts around the city to help in the process of dispensing information relative to drugs.

We have 3,000 teachers in the system. To reach 500 in this short time is an accomplishment. One might infer from the fact that 500 are reached that the ones who came forward were highly motivated and those who did not come forward for the education did not particularly see the problem as serious enough to stir themselves to be active in a training program.

I would like to dispel that notion because, with the limited personnel, even if all 3,000 teachers came forward, we could not have expanded much beyond the numbers that we have reached in this short time.

If one looks again at the impact of this kind of training, I think the combination of a lot of things has seen a diminution of the problem in the Oakland Unified School District. We have seen a reduction in the number of youngsters who have been taken from school under the influence of drugs. We have looked at the juvenile arrest statistics for Oakland regarding narcotics laws, marihuana, opiates, dangerous drugs, liquor laws, and drunkenness. We find that in 1970 we had some 610 young people who were arrested under those conditions. In 1971 we had 378. This year to date we have had 234. I cite those figures to say that we have seen a reduction in the number of arrests.

To get hard data on the actual number of children who are abusing drugs is difficult. We see only the tip of the iceberg when we begin to deal with those numbers. The data that one gathers sometimes is suspect because it is difficult to get accurate data.

In our system, given the limited funds that we have, we have opted to expend those funds for programs to correct and mollify those conditions rather than to conduct sophisticated surveys.

We don't really play the numbers games, when some districts have their surveys and arrive at a figure—60 percent have used drugs or what not—and then begin a crisis program.

Given our funds, we have assumed that the problem is there and we know it's there and we know that all children need to be educated as to the drug abuse situation. We just begin, not as crisis education, but as part of the general education program, informing teachers and the other categories of people I have indicated about drugs and their abuse and how to recognize it and the devastating effect it can have on the lives of young people.

When I talk about drug education as being part of the general education program, I do so advisedly because if the quality of the general basic program of education is inferior, we have already begun to generate the conditions that will cause the youngsters to turn to drug abuse. We need to see an improvement of the general program of education throughout the cities.

We have seen a decrease in the amount of aid given by the State from 50 percent 15 years ago to about 25 percent now. We have seen the tax rate in the city of Oakland since 1958 remain static and yet we have seen the needs escalate in terms of cost and in terms of the educational deficits that accrue to young people who are forced to live in the urban environment that is not intellectually stimulating. They come from learning deficits that have to be offset with intensive programs of remediation, extra help and extra counselling. When those items are missing in the general program, any kind of drug education program is just working on top of what is inadequate.

My plea would be not only for the additional funding for quality programs in the area of drug abuse but also increased funding for the general educational program of the cities.

We have seen the factors, such as the municipal overburden as we compete with other agencies for the tax dollar, and we have seen the excess cost factors such as insurance, vandalism, security, all of those factors that are just noneducational costs that are a function of doing business in the cities.

I mentioned earlier that some of the causes we are looking at are boredom resulting in the atrocious dropout rate that is actually frightening in many of the cities. In Oakland we have seen a reduction in the dropout rate or, to put it another way, we have had an increase in the holding power of the schools of some 21 percent over the last 2 years.

Another manifiestation of the effects of boredom that leads to drug abuse is absenteeism. We have seen a reduction of unexcused absentees by some 34 percent at the secondary level and some 21 percent at the elementary level—this, in spite of the fact that we have inadequate funds.

When people tell me that the program seems to be remarkable, given the inadequate funding, my response is, "I think of what could be done if we had sufficient funds to do all that we know how and all that our commitment urges us to do."

We have to seek alternative models for children to learn. I think that anyone who has taught a day or spent a day visiting in urban schools knows that children come to school with different learning styles. For a long time we have tried to force children into one model and one mode of education. If they didn't fit that particular mode, they were branded as failures, instead of looking at the institution's failure to adjust and adapt to the needs of the young people. When we look at the matter of drug abuse and drug education and how one may effectively prevent some of the causes leading to youngsters who are addicted to drugs, then we have to look for alternative models of education, alternatives that will give young people a chance to fit their style of learning to a variegated array of opportunities.

In Oakland we have been able to do some of this with wholly inadequate funds. Some of you know that over the last 2 years we have closed out 200 teaching positions, not because we had no need for the teachers but we had no funds to employ them. The only thing that has kept us afloat and kept us in some kind of posture where we could meet those needs has been the cooperation of the general community, some 2,400 volunteers who have come in, some 125 or 130 businesses that take 7,000 of our children into the real world of work and give them exciting opportunities of experience. We need to multiply these opportunities if we are going to get at the real causes of drug abuse.

I have had an opportunity to look at the draft of the bill and I think it is a giant step in the right direction. It does speak of providing money to do some of the things that I have been talking about—to care for the needs of children, to pinpoint those needs, and give some of the treatment that we are not able to do, and the coordinating services that we should be filling that we are not able to do because of being understaffed. This bill would give us that opportunity to do those things.

Counselling is a crucial point of this, not only professional counselling but the warmth of paraprofessionals who know the youngsters in their own environment and who can share an empathetic ear to hear their problems and give them a chance to ventilate. All of that is implied in the opportunity that poses itself in this bill.

We are talking about a program in Oakland that we say with some pride has helped a number of children. It has helped a number of adults. We say that we have done it on a shoestring, with $27,000 in a system with 60,000 youngsters and 3,000 teachers, 3,000 classified employees; out of a $90 million total general budget, and a general fund budget of about $48 million, $27,000 that we can peel off to address this serious problem. The need is great. The funds are wholly inadequate.

I am encouraged by the reaction of the committee that I had the pleasure of testifying before in San Francisco. I am encouraged by this opportunity to appear before this committee today. I will stop here and be responsive to any questions that you might have.

Mr. MAZZOLI. Dr. Foster, I was listening with interest to your testimony. What precisely can you do in a teaching role with these children who, by all predictable standards—the boredom, the failure rate in school and the general condition of the child indicate that he or she will become a drug abuser? How do you prevent this, since prevention and emphasizing the cause seem to be the two things that you were talking of, rather than the treatment thereafter?

Dr. FOSTER. I want to hasten to say, sir, I don't imply that we are abandoning the youngster who needs treatment. We can't write him off. He needs that chance to succeed.

In a preventive way, we have an informational program and there have been a number of printed materials that have been developed by Mr. Newell and by others working in this field in the city of Oakland. I have prepared some packets which I left with Senator Pepper. I would be glad to send some of that material that would give you an indication of the kind of information that teachers have and the kind of information that children have.

Mr. MAZZOLI. We would like that, Doctor. I think it would help us make a record here if you could supply that to become a part of our record and, to the extent possible, copies to some members of the committee.

Dr. FOSTER. I would be glad to do that, sir.

What I am indicating then is in the inservice programs—where I have indicated some 500 teachers have been cycled through and 60 principals and all of that—that is primarily an informational type program. The teacher's role in the classroom becomes one of being alert to youngsters who are manifesting the results of drug abuse and dealing with those youngsters and getting the help that they might need. Then the key to it is presenting an educational program that is exciting and stimulating, which causes the youngster to want to come to school. It offers a variety of learning opportunities at which the youngster can succeed.

So much of the impact of schools, especially as they operate in urban centers, is to teach children that they are unteachable because we have failed to adapt the materials to their needs where they can meet success. I say to our teachers and to the youngsters, too, that one of the manifestations, one of the characteristics of living things is growth. That is, if you are alive you have the capacity for reproduction, ingestion and digestion. One of those characteristics is growth so every child has that potential for growing morally, mentally, spiritually in all directions. What we have to do is take the child where he is and lead him to the next level of the growth forum.

We are stymied when we have to close out 200 teaching positions, which raises the class size so that the children are unable to get the individual attention that they need; when we have to lay off people and cut back, we cut back on services that are peripheral to the classroom and that would be a counselling service. We have athletic programs, intramural programs, those kinds of exciting programs that some people call extracurricula but they are an essential part of the curriculum to reach some of the children who need to be stimulated by a variety of stimuli. We should not rely solely on the traditional approach of classrooms. I hope it gives you some sense of what the teacher's role is and how we find ourselves boxed in.

Mr. MAZZOLI. Dr. Foster, this might be a very simplistic question on my part, but I would assume that Ron, my friend and fellow freshman colleague, and I probably went through school without this great stimulation, this great excitement. I remember many of my classes I thought were boring and the teacheres were supremely deadening. What is the difference and why, for instance, are so many products, you might say, of the school system subjected to the same very boring thing and yet don't, for instance, become drug addicts? Is there some triggering device, some other aspect here that would have to be attended to along with the educational programs?

Dr. FOSTER. I think what we are seeing, sir, is evidence of what has happened to our society from the time that the Honorable Ronald Dellums was in school and the Honorable Ron Mazzoli was in school. We didn't have the distractions that tug at young people, the violence on TV, the automobiles, the accessibility to the very young. I don't know, sir, when you got your first auto.

Mr. MAZZOLI. Pretty late in life.

Dr. FOSTER. The youngsters in the parking lot outside the high school and in the students' parking lot have probably nicer looking cars than those in the teachers' parking lot. There are so many other avenues that children can follow and paths they can go down that lead to some of the aspects of city living that are negative.

As to the availability of drugs when I was in school, I couldn't have identified a drug, let alone known where to get it. We knew nothing about it—at least where I went to school in South Philadelphia, which some would not call the most elite neighborhood. We knew nothing about where to get it. All of those factors—the level of the standard of living, the accessibility of things, the excitement of TV, the war, the prospect of the bomb—all of that I think forms a kind of backdrop that causes youngsters to be susceptible and vulnerable.

Mr. MAZZOLI. In essence, the educational program—whether the prevention program or the later identification by teachers of those who seem to be under influence at that point—would have to be bolstered and become integrated into a total program to have a high degree of success, if there is such a thing in this type of drug program?

Dr. FOSTER. Absolutely, a very perceptive comment.

Mr. MAZZOLI. Doctor, have you given any thought to the possible costs of the program that you would envision?

Dr. FOSTER. Yes. For a modest program to do some of the basics that we are unable to do, we figured a cost of about $1.50 per ADA.

Mr. MAZZOLI. Average daily attendance?

Dr. FOSTER. Yes. If we were able to provide for an enriched program that would go beyond what we see as the bare bones of the program, then we would be talking about $5.00 per ADA. When we are talking about 60,000 children, ADA would be somewhat less than that because we don't have a 100-percent attendance.

To give an idea of how that program would expand, we have one man and a secretary doing the job now. Our district is divided into three regions. We have decentralized in order to put the funds where they can be used. I see Mr. Newell as the citywide coordinator for drug education. Then he would have his counterpart in each of the three regions. Then they would each have staff to them. They would conduct the kind of intensive inservice work that Mr. Newell is doing for the whole city. Then you can reach that much larger proportion of those who need the education. Then I would see that in each of the schools we would train a person who would become highly sophisticated in the whole field of drug education, who would be a resource person in that school, who would receive materials, conduct workshops on site, be the one who would be a counselor to the youngsters in need.

I would make this analogous to the time that we were so concerned about having draft counselors in schools. I was at that time associate superintendent of schools in Philadelphia and I remember how we set about to train regular counselors so that they would be knowledgeable to talk to children about alternatives to the draft and then identify them by putting signs over their door "Draft Counselor" and childern knew where to turn. This problem, to me, is much more crucial. We need to go at it with that kind of zeal where we have identified the person. That would be an expanded program. I could go on and elaborate.

Mr. MAZZOLI. To refresh my memory, you say that you had a $49,000 grant which has expired. How much money do you presently have in this program?

Dr. FOSTER. $27,000.

Mr. MAZZOLI. Would you expect that perhaps $300,000 at approximately $5.00 per average daily attendance would give you a fairly enriched program?

Dr. FOSTER. Yes, sir.

Mr. MAZZOLI. One more question, Doctor. I would perhaps be able to answer this question myself when I have a chance to look at the materials you will submit, but exactly how do you approach the student, from what angle, in trying to urge him or her to avoid drugs or to stay off if they happen to be on, or to prevent the initial use? What tact do you take?

Dr. FOSTER. The approach, as I indicated, is educational and not crisis education. I liken this to human relations education. People see that as crisis education, something you rush in and do in turmoil.

Human relations education. If you have done your homework well during those tranquil days, when you do have a crisis it doesn't hit with such disruptive impact.

Drug education is similar. If you do your homework in pre-K, first grade, second grade, giving the information, talking about the effects of drugs, talking about the appropriate use of drugs, if you have done that well in K through 12, when the crisis of drug abuse comes to a school it doesn't have the widespread impact that strikes a school that has done nothing. That is the first thing I wanted to say. We don't view this as crisis education.

In a circumstance where children are abusing drugs and there is a sharp increase on the campus, then we have individual couselling. We work with the police. We have no qualms about calling in the police as one of those agencies that serves our community that can help us in a crisis situation when we have identified those who sell drugs and all of that.

We talk about providing treatment in hospitals for those who really need the treatment. We find that preaching and moralizing does not have the impact that straight information has, coupled with treatment for those who have abused drugs.

Mr. MAZZOLI. Do you use any addicts in your program, Doctor?

Dr. FOSTER. No.

Mr. MAZZOLI. Former addicts are used in your programs?

Dr. FOSTER. Yes. There is a paragraph or two about evaluation of the drug abuse program. Often the one who has been an addict comes and talks to children dressed in his Brooks Brothers suit and says, "Don't use drugs or you may wind up as I have." He is well-attired in a Brooks Brothers suit with a flashy car outside the door. We don't see that as a way. Occasionally there are one or two that we have used, but it's from a different approach, from the scare approach.

Mr. MAZZOLI. Doctor, if you are talking to students on the basis of preventing their using drugs in the first place, and you talk in terms of the effects of marijuana, the effects of heroin or any of the other several drugs, is this enough to deter a youngster from trying? Are they not seeking the very effect which you describe? At least theoretically, isn't that really what they are looking for in using drugs? So if you tell them about it, I wonder why that would be a deterrent.

Dr. FOSTER. At least they understand it. Young people are sophisticated enough today that they know oftentimes more than those who are trying to tell them about the various effects.

If they have the information, if they have the information about venereal disease and all of that, if we are trying to help them reach the fullest development, where they have to know about it, we have the obligation to present those youngsters with sufficient data.

We would hope, and we have evidence, that having the information does influence some youngsters not to go too far or stay too long in the experimentation.

You probably know, sir, that the two drugs that are abused mostly by youngsters across the country—and Oakland is no exception—are tobacco and alcohol. We are so busy looking at the hard drugs and all the others, but probably tobacco and alcohol are the most dangerous in terms of what happens to their health in the long run. We don't leave that out, but we know children still smoke.

Mr. MAZZOLI. Doctor, do you have any figures on the percentage of the student population in the Oakland School District who are presently affected? I remember your early testimony that getting hard data is very tough.

Have you an educated, perceptive guess as to what you are dealing with?

Dr. FOSTER. We have not gone with that particular approach. One of our school districts spent quite a bit of money in conducting a study. They have experimented with drugs. They have gotten a breakdown of those who were using drugs regularly.

Having got that information, what is the program? We find a great gap in terms of the programmatic response. What I emphasize as our approach is to assume that the problem is there. Say then children are abusing drugs and are victimized by all that means, that is a crisis in their young lives and for us that is a crisis, and we go at it with that kind of zeal. If it gets over 30 percent we plunge in.

Mr. MAZZOLI. Would you consider offhand that is one of the problems that is of great stress to you now?

Dr. FOSTER. No, I would say it is a problem that has diminished over the last 2 or 3 years in the public schools.

Mr. MAZZOLI. Would it be fair to state that the problem still is of a sufficient size and potential harm and the teachers themselves would have to be subjected to retraining in an extensive way in handling this problem?

Dr. FOSTER. Exactly.

Mr. MAZZOLI. This is part of your planning.

Dr. FOSTER. This is part of our planning. If we were able to get funding, we would be able to place great emphasis and stress on the training of teachers in dealing with attitudes and dealing with youngsters. In the same way we have to educate the public on alcoholism as a disease rather than hiding behind a closet door and not talking about it.

There are a lot of puritanical ideas that make people rigid in terms of human needs that children manifest in the classroom. We have to deal with attitudinal changes along with giving information to the teachers.

Mr. MAZZOLI. I have one last question.

Do you envision in the program any work of the parents directly in the homes of the children who are either candidates for addiction or who in fact have experimented with these drugs?

Dr. FOSTER. Yes, one of the categories of clients that Mr. Newell has been working with in his one man act has been parents of the children. They have to be informed. They have to recognize signs of drug abuse in their children. They have to understand the matter of boredom and providing opportunities at home for the children to do interesting things so that they do not have the boredom to be drawn off into the use of drugs. This would be a component of any program that we would have.

In fact, I come back to my original theme. This is a component of our general education program. We have in Oakland a master plan citizens committee that involves some 2,500 people at the grass roots. One newspaper columnist said we have the world's largest committee, 2,500 people, but it narrows down to a coordinating committee of 12. These committees are deeply involved in the operation of the system.

We are convinced that urban systems do not change of themselves. Institutions tend not to change of themselves. They tend to perpetuate themselves and become ossified. We try to bring in the input of the community and their desires. Our drug program would be that kind of style of operating involving the students and the parents because the teachers working alone cannot do the job of education.

Mr. MAZZOLI. Are you using the volunteer pool because of the inadequate financing for your programs?

Dr. FOSTER. Yes.

We are even more desperate in drawing in volunteers when they are under-funded. You raise class size. One of the things you find in education is that if you multiply the adult contacts that children have at the lower level you have a payoff proportionally.

Mr. MAZZOLI. Do you find any additional strength on the part of these youngsters to withstand drugs and the temptation to addiction where they have a lively interest in athletic events or some aggressive physical activity? Do you see any relationship?

Dr. FOSTER. Yes; I certainly do. The whole curriculum program provides that excitement. Some children are not stimulated or excited by an English class where they are reading lyric poetry, but they are stimulated by the physical contact and the testing of their strength. That interest can be carried over into other areas.

This is the whole program of taking the children outside of the classroom and showing them that education can take place in a variety of settings. Some 7,000 children are involved in some 130 industries around the city, getting hands-on experience, and that becomes exciting to them. I find where they are hooked into those kinds of programs they are not hooked on dope. At least the chances are minimized.

Mr. MAZZOLI. It occurs to me that while not all of us have the same physical ability to make the varsity team in football, or track, if there were an extracurricular intramural program in athletics, so that even the less physically endowed might be able to take part and have that sense of accomplishment, that sense of success and victory, that, I think, is what we all need to pursue our goal.

I wonder if that would be a part of Dr. Randall's program.

Dr. FOSTER. That would indeed be one of our approaches. But again the sad facts of life happen to be that those are the programs that are cut back first in a shrinking budget. In fact, the Oakland motto of the teacher groups is "Classroom First! Classroom First." I can see them marching with their signs. What they are saying is put it all in the classroom, maintain the teacher ratio at a low level even if you have to cut back—certainly they would be delighted to cut back on administration—on some of the peripheral programs. But maintain the relationship.

Your insight into this is certainly encouraging to me. Say we had a drug abuse program and certain young people were channeled into the physical activity, and we would say this is a component of our drug education program. It is encouraging to know that one who sits in high office understands and sees that relationship. There are some who feel if you do not have crash pads and addicts coming in and giving lectures and moralizing, that you are not meeting the needs of the youngsters. We are saying we would be doing a lot of things that would be characteristic of good general education programs, but we would point them specifically and observe the reduction of drug abuse as part of the drug abuse program.

Mr. MAZZOLI. Thank you very much.

Mr. Chairman.

The CHAIRMAN. Let me thank you, Dr. Foster, for such an outstanding statement on an important subject. I have listened to your statement very carefully and I feel that the appropriate way to attack this problem is in the classroom.

I certainly want to pay my respects to Senator Pepper for getting you here in order that you could share your viewpoint with the committee. Of all the witnesses we have heard on this subject, I have no hesitation in saying that no one has shed more enlightenment, to my way of thinking, on this subject matter than you have.

Dr. FOSTER. Thank you.

The CHAIRMAN. You are certainly to be complimented for your deep interest in this program and this problem. I am most hopeful that the Congress will do something about this great problem and do something about putting the program in the schools where it should be during the next session of the Congress.

Senator Pepper, do you have any additional comments?

Mr. PEPPER. Mr. Chairman, aside from thanking the distinguished Chairman and his committee for their courtesy this morning on short notice in hearing Dr. Foster make his able presentation, I would like to add only that we were informed at our hearing in San Francisco that in Dr. Foster's schools apparently there has been a decrease in the last 2 years in drug use, whereas in most of the other schools there has been an increase, indicating that his understanding of this problem and his dealing with it—even with very limited funds—has brought about at least favorable results. So when we heard Dr. Foster, it appeared to us that this distinguished committee, which is so interested in the subject of education, and the feeling that all of us have that the action is in the schools now—that is where the children are, who are more and more using drugs—would benefit from hearing him. We have had hearings in recent months in New York City and Miami, in Chicago, in San Francisco, and this last week in Kansas City, Kans., across the river from Kansas City, Mo.

In New York and Miami and Chicago and San Francisco generally the problem is worse. But the officers and knowledgeable people testified in Kansas City, Kans., that the problem was a grave one and constantly growing worse. So it is a problem that afflicts almost all the schools of this country. Generally speaking, the problem is growing more grave all the time. There are some people who think that the problem should not be dealt with in the schools at all. If a student is discovered to be using drugs, he should be suspended and kicked out of school and let the parents have their problem.

As I said here before when you gave me the opportunity to testify, we have had a number of mothers who testified at our hearings about their efforts to find help in the community and they could not find it. So we started talking about putting hospitals in the schools. Perhaps that should be out in the community. But the children are in the schools. The schools have been teaching them in the way of life and in the subjects of their curriculum.

I believe if we will give these school authorities the money and let them have an opportunity to experiment, enlightened leaders like Dr. Foster will show us the way to get favorable results in this area. I felt after we had these hearings that we should have an additional title in the Elementary and Secondary Education Act and the opportunity should be given to the school authorities to deal with this problem in the best way they can. So I thank you very much.

Mr. PERKINS. I agree with you, Senator Pepper, and in writing the next Elementary and Secondary Education Act, in extending the program I am going to work closely with you to see if we cannot embody your proposal in the legislation.

Mr. PEPPER. Thank you.

Mr. PERKINS. Thank you very much, gentlemen.

(Whereupon, at 11:45 a.m., the committee adjourned.)

At this point I ask unanimous consent to insert in the record, letters I have received.

BOARD OF EDUCATION OF HARFORD, COUNTY,
Bel Air, Md., October 6, 1972.

Hon. CARL D. PERKINS,
Congress of the United States,
Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN PERKINS: This letter is written in regard to the Elementary and Secondary Education Act of 1965. The following titles under this Act are operative in Harford County, Maryland, at the present time: (1) ESEA Title I, (2) ESEA Title II, (3) ESEA Title III.

These programs sponsored by the Federal Government have provided the categorical aid needed to:

(1) insure that approximately 1,000 of our educationally disadvantaged children will have programs which meet their individual needs;

(2) allow us to improve and extend the library media services to all children in Harford County;

(3) assist us in the development of an innovative program for trainable children. This particular program is an attempt to provide the participating children with an opportunity to develop a salable skill.

The services provided in these programs will not be continued without Federal support since our county is unable to finance the programs through local sources. The elimination of ESEA programs would be disastrous, especially at this time when previously implemented programs and efforts made by this school system in helping educationally deprived children are being successful.

Any efforts which you and your committee can make to extend the provisions of the Elementary and Secondary Education Act will be appreciated by the citizens of Harford County.

If additional information is needed by you or your committee, please do not hesitate to contact me.

Sincerely yours,

A. A. ROBERTY,
Superintendent of Schools.

THE UNIVERSITY OF THE STATE OF NEW YORK,
THE STATE EDUCATION DEPARTMENT,
Albany, N.Y., October 5, 1972.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor,
U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN PERKINS: April 18, 1972 it was my pleasure to represent Commissioner Nyquist in making a statement concerning the Elementary and Secondary Education Act, Title I, before your honorable Committee. Our interchange included an agreement to deliver a paper describing a combined project concept and evaluation design then being prepared in our offices.

As mentioned in April, New York State funds a major program for Urban Education. Consequently, federal, state and local funds work in combination to improve education of disadvantaged students. Organizationally, the New York State Education Department recognizes the intertwining of support by assigning an Office of Compensatory Education responsibility for a Division of Education for the Disadvantaged (Title I, Elementary and Secondary Education Act), a Division of Urban Education (state funding) and an office of Model Cities Program Services. An independent Bureau of Urban and Community Programs Evaluation works closely with the program offices.

The description of the New York State system for improved education for educationally disadvantaged children falls into three categories and nine subcategories, namely:

I. Project concept:
  A. Program priority.
  B. Target concentration.
II. Evaluation design:
  C. Needs assessment.
  D. Educational effort.
  E. Program monitoring.
  F. Promoting progress.
III. Long range planning:
  G. Student file.
  H. School and community data.
  I. Regional services.

I. PROJECT CONCEPT

The essence of the project concept is concentration on specific priority program areas and most needy pupil population.

A. Program Priority

Three program areas currently represent the priorities designated by the New York State Commissioner of Education, whether supported by federal, state, or local funds. They are: (1) Reading, (2) Mathemtaics, and (3) Bilingual education.

Direct, immediate personal services to children disadvantaged in the above categories receive highest priority for approval of Title I, ESEA, programs for 1972–73. To further achieve direct pupil impact the programs should be developed from the local school building level. The principal, staff, local parent advisory committee, nonpublic school representatives and other interested groups and citizens should participate cooperatively to achieve these ends.

B. Target Concentration

Three grade level priorities are recommended to help achieve effective concentration of resources. First, the reading needs of children in grades 1 to 3 should be served until these service needs are saturated; then grades 1 to 3 mathematics may be allocated resources until saturated; then bilingual education needs in the same grade levels. Thereafter, preschool, kindergarten, and grades 4 to 6 may be served, and so on. The final priority would be bilingual education in grades 7 to 12. Approvals combine judgments about program priority and target concentration in combination. The New York State guidelines permit adoption of other Title I priorities than those listed provided the basic priorities are met with other resources.

II. EVALUATION DESIGN

Evaluation is an integral component of compensatory education programs from needs assessment through project completion. It starts with an assessment of state and local needs. When a district has identified a priority need, it designs a program to meet the need. At the same time it adopts an evaluation design related to stated program objectives. The State Education Department specialists review district proposals in terms of priorities, objectives, program design and evaluation design. If deficiencies are present, state staff work with local staff on improvement before approval. State staff monitor programs and data-gathering during the time span of a program. Finally, district staff analyze results, submitting data and analysis to the Department. In the Department program results are accumulated. Analysis is supplemented by data collected statewide such as management, finance, and test results to contribute to annual evaluative reports. Present efforts in improved evaluation design are intended to assure local evaluation directions can be reasonably combined for the purposes of regional and state assessment.

C. Needs Assesment

Within the priority program areas, a district is required to provided for each target school hard data showing the status of its students in reading and mathematics; and for the district as a whole its needs and extent of service to foreign speaking children. The district is expected to mold its program to the needs; the Department has data to judge program approvals, plus baseline data to assess progress.

D. Educational Effort

The next step concerns project approval relative to the direction and amount of effort the district proposes to make. Objectives must be stated clearly in terms of end-of-project expectations, and sub-objectives of component units must be delineated. The amount of resources in personnel, materials and funds must be consonant with the programs—great enough to secure results and yet suffciently restrained to secure economy. The Department has screened all projects centrally in the past; in 1972–73 it will be experimenting on a limited basis with having some districts and regional boards assume project approval. Such a method is intended to keep programs more closely allied with local needs, to contribute to greater understanding and monitoring control at the grass roots level, and to expedite more rapidly the aproval process.

E. Program Monitoring

A true assessment of the worth of a progam requires knowledge of the program in operation. Procedures and materials deemed cogent in the planning stage sometimes prove so infeasible in action that different approaches may be adopted to yield success. Such changes are defensible but must be known and recorded. This aspect of monitoring contributes to the spread of practices ideally suited to the needs of disadvantaged children as noted in F below.

Two types of monitoring are used, namely supervisory visits and periodic reporting. The New York State Education Department is increasing emphasis of on-site monitoring. A reorganization of the Division of Education for the Disadvantaged will have resident monitors in areas of Title I, ESEA, concentration. Further, Department personnel visit schools and review projects. The Department has developed and is using a supplementary periodic reporting using Mailed Interim Information Form—Minifor—consisting of three sections, due at three month intervals. The procedure monitors projects during the year and contributes cumulatively to the end-of-project report, thus distributing local and state procedural workloads over the year. The original project description is tied into the Miniform report to give four points of reference within a year.

F. Promoting Progress

The basic purpose of a particular program is to educate the disadvantaged students who participate in it; a secondary purpose, to make successful programs available to others with like needs. The basic evaluation of a New York State local program compares the Section III Miniform with the original application and district needs assessment data. For instance, if the program planner estimated an 8-month reading gain for a target group and the gain were 10 months, educators would look to the Miniform data to supply clues as to the better-than-expected gains. Conversely, if only 5 months gain were made, a search would be made for the lower-than-expected result. All steps from planning through reporting contribute to evaluation, and then to dissemination of programs for disadvantaged children.

III. LONG TERM PLAN

The State Education Department is increasing its efforts to develop the components of a comprehensive system of accountability. Many elements are in place; some crucial ones need resources for implementation. The essence of the system is that unit data concerning the educational status and growth of each student be available readily, that related data about staff, programs and socioeconomic conditions be on tap to play against student data. A data system with computer support is planned.

G. Student File

An electronic student file is a basic need of the long-range plan. Information about each student is generally in a file folder, thus making the generation of organized student data onerous and slow. Some experience exists in districts and areas with computerizing some student data, especially with regard to reporting to parents and analyses of test data. The electronification of student data in a common coding for the state would make it possible to identify and accumulate data for students of given levels of disadvantage. Such data could be accumulated by class, school, district and region. In a total information system, unit data at the local level would be distilled into smaller packages for state decision-making.

Some progress has been made among states by coordination with the U.S. Office of Education. The pertinence of a computerized student file will be further described in I below.

H. School and Community Data

The type and resources of a school and its community condition the learning of its students. The New York State Education Department has a rather sophisticated electronic file of descriptors of local staffs and finances. It awaits information from the 1970 Census which the Office of Education is making available by district shortly. It looks forward to developing a local capacity for regularly costing out specific programs in order to analyze the expenditure limits of successful programs. An analytical component of the comprehensive accountability system is a computer program using school and community data to postulate educational outcomes to be expected of students. District profiles showing actual and predicted outcomes along with controllable school characteristics form a first step in community study leading to program improvement.

I. Regional Services

The New York State Education Department is shifting some services to an in-state regional basis. The number of boards of cooperative services (BOCES), comprised of member local school boards, is now forty-seven. The BOCES may combine their efforts to provide certain services as, for instance, in 14 regions for planning services. The Department will be trying out the control of Title I programs through several such regions. It is also placing reading resource specialists in a number of regional locations in keeping with the program priority described above.

Further, a New York State Education Information System (NYSEIS) has been devised, and four of the planned twelve regional centers for electronic data processing have been partially implemented. Systems work is under way although not as rapidly as would be desired, due to fund restrictions. The NYSEIS system is a key to the eventual implementation of a workable comprehensive statewide accountability system.

The total system described is being subjected to continuous scrutiny. We shall be seeking ways to sharpen, refine and simplify data-collection instruments. We are devoted to giving greater state help to localities in a true state-local partnership.

We respectfully suggest that the Committee on Education and Labor consider legislation to make funds available for installing comprehensive information systems in the states backed up by a coordinate system at the national level. Considerable work has been done over the years by joint effort of the Council of Chief State School Officers and the U.S. Office of Education. Federal support to each state at a beginning level of a dollar per student enrolled in public and nonpublic schools (or children 5-17 years of age, 1970 Census) would set in motion a federal system of information, a major component of which would be a subsystem conducive to meeting the needs of disadvantaged children. We are convinced a moderate investment would yield reasonable economic and educational returns.

It is our hope you will find the above comments helpful and that they will assist your Committee in proposing action. Commissioner Nyquist and our staff appreciate your fine efforts and offer our insights and services to the Committee.

Sincerely yours,

THOMAS D. SHELDON.

THE INTERNATIONAL ASSOCIATION OF SCHOOL SECURITY DIRECTORS,
Fort Lauderdale, Fla., September 14, 1972.

Hon. PAUL G. ROGERS,
The House of Representatives,
Rayburn Building, Washington, D.C.

DEAR PAUL: School Security Directors from forty states throughout the country met recently at Jacksonville, Florida, to discuss their mutual problems in respective school systems with a view to how to deal with them and hopefully to minimize them.

Attached is a resolution pertaining to these problems which was unanimously adopted by our members. The resolution refers to such problems as assaults on teachers and students, disturbances, vandalism, theft, arson and drug abuse, which are under the jurisdiction of School Security Directors and costing school systems hundreds of thousands of dollars, which monies should preferably be directed to quality education, the primary objective of school systems.

In 1969 I retired from the Federal Bureau of Investigation after twenty-nine years of service. During that time my function was to detect and apprehend. Since assuming my present position as Director of Security for the School Board of Broward County, Florida, I have become involved in detection and thereafter the involvement of students, parents and school personnel which has made each of them conscious of their rights and responsibilities, thereby greatly reducing recidivism on the part of students.

The purpose of this communication is to make you aware of our existence and function. Further, to solicit your assistance in initiating and directing Federal legislation, programs and funds which will assist our School Security Directors in protecting school students, teachers and facilities against the wanton attacks to which they are being subjected today.

Methods of prevention are our main concern. The human relations approach in handling incidents by involving students, parents and teachers has greatly decreased repetitive acts on the part of students, and will hopefully minimize the mounting cost of school security problems.

In view of the fact that we deal directly with these problems which drain the lifeline of our youth, we have the basic responsibility of coping with them and of initiating preventive programs. Because of the budgetary problems, faced by school systems throughout the country, we must look to you, and your office, for assistance and guidance in attacking such problems. We are aware of your concern for our youth and plead for your help to aid us through Federal legislation, funds and programs to carry out our functions in our respective school systems.

Sincerely yours,

JOSEPH I. GREALY,
President, IASSD, and Director of Security,
School Board of Broward County, Fla.

RESOLUTION

Whereas, the security problems facing school systems throughout the United States are costing hundreds of millions of dollars, and

Whereas, the increasing incidence of violence involving school children, teachers and other school personnel is seriously disrupting the educational process; and

Whereas, the limited current statistics show a startling increase in monetary and material losses attributable to acts of vandalism, theft and arson, much of this equipment being Federally funded; and

Whereas, the general security situation is deflecting major energies and resources from the quest for quality education, which is the primary goal of any school system; therefore, be it resolved that the International Association of School Security Directors, which consists of School Security Directors from more than forty states throughout the United States, and who are directly responsible for the safety and security of both students and faculty, and the protection of the physical plant of school systems, respectfully call upon the power and influence of your office to initiate legislation and programs, as well as to direct revenue from existing programs, toward helping us combat the national problem of controlling and reducing the rapidly increasing number of school security problems which now seriously threaten the primary mission of the public schools and the safety of our children.